



# Personnel Rules

*City of*  
**SANTA CLARITA**

Rev. 11/2011

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ORDINANCE NO. 11-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
SANTA CLARITA, CALIFORNIA, AMENDING A PERSONNEL SYSTEM  
OF THE CITY OF SANTA CLARITA

THE CITY COUNCIL OF THE CITY OF SANTA CLARITA, CALIFORNIA, DOES  
HEREBY ORDAIN AS FOLLOWS:

- SEC. 1.     Adoption of personnel system: In order to establish an equitable and uniform system for dealing with personnel matters, and to comply with applicable laws relating to the administration of the personnel process, the following personnel system is hereby adopted.
- SEC. 2.     Definitions: The terms used to administer the personnel system shall be defined in the personnel rules.
- SEC. 3.     Administration: The City Manager shall administer the City personnel system, and shall serve as Personnel Officer. The City Manager shall:
- a.     Act as the appointing authority for the City, except for the City Attorney who shall be appointed by the City Council.
  - b.     Administer all the provisions of this ordinance and of the personnel rules not specifically reserved to the City Council.
  - c.     Prepare and recommend to the City Council, personnel rules and revisions and amendments to such rules.
  - d.     Prepare or cause to be prepared a position classification plan, including class specifications, and revisions of the plan.
  - e.     Have the authority to discipline employees in accordance with this ordinance and the personnel rules of the City.
  - f.     Provide for the publishing or posting of notices of tests for positions in the competitive service; the receiving of applications therefore; the conducting and grading of tests; the certification of a list of all persons eligible for appointment to the appropriate position in the competitive service; and performing any other duty that may be required to administer the personnel system.
  - g.     The City Manager may delegate those portions of his/her responsibilities which he/she deems appropriate.
- SEC. 4.     Competitive Service: The provisions of the ordinance shall apply to all offices, positions and employments in the service of the City, except:

- a. Elective officers.
- b. The City Manager and any assistants to the City Manager.
- c. The City Attorney and any assistant or deputy city attorneys.
- d. Members of appointive boards, commissions, and committees.
- e. All department directors, and division managers.
- f. Persons engaged under contract to supply expert, professional, technical or any other services.
- g. Volunteer personnel.
- h. Emergency employees who are hired to meet the immediate requirements of any emergency condition, such as extraordinary fire, flood, or earthquake which threatens life or property.
- i. Employees, other than those listed elsewhere in this section, who are not employed in regular positions. "Employed in regular positions" means an employee hired for an indefinite term into a budgeted position, who is regularly scheduled to work no less than one thousand and forty (1040) hours per year, and has successfully completed the probationary period and been retained as provided in this ordinance and the personnel rules.
- j. Any position primarily funded under a state or federal employment program.
- k. Any newly created position, which is designated at the time of its creation as being exempt from the classified service.
- l. Employees not included in the competitive service under this section shall serve at the pleasure of their appointing authority. They may be terminated or disciplined at will by the City Manager at any time, without any right of appeal.

SEC. 5. Adoption and Amendment of Rules: Personnel rules shall be adopted by resolution of the City Council. The rules may establish regulations governing the personnel system, including, but not limited to:

- a. Preparation, installation, revision, and maintenance of a position classification plan covering all positions in the competitive service, including employment standards and qualifications for each class.

- b. Appropriate announcement of the selection process and acceptance of applications for employment.
- c. Preparation and conduct of tests and the establishment and use of resulting employment lists containing names of persons eligible for appointment.
- d. Certification and appointment of persons from employment lists, and the making of provisional appointments.
- e. Evaluation of employees during the probationary testing period and thereafter.
- f. Transfer, promotion, demotion, reinstatement, disciplinary action and layoff of employees in the competitive service.
- g. Separation of employees from the City service.
- h. The establishment and maintenance of adequate personnel records for purposes of accounting and legal requirements.
- i. The establishment of any necessary appeal procedures.

SEC. 6. Appointments: Appointments to vacant positions in the competitive service shall be made in accordance with the personnel rules. Appointments and promotions shall be based on merit and fitness to be ascertained so far as practicable by competitive examination. The probationary period shall be considered an extension of the examination process. Physical and medical tests may be given as a part of any examination in accordance with the applicable provisions of state and federal law. All appointments and promotions in the City service shall be made without regard to race; religious creed; color; national origin; ancestry; marital status; sex; gender; sexual orientation; medical condition; pregnancy, childbirth, or related medical condition; physical or mental disability; political affiliation; or any other basis protected by federal, state, or local law.

SEC. 7. Probationary Period: All regular full-time appointments, including promotional appointments, shall be for a probationary period of not less than one year. All regular part-time appointments, including promotional appointments, shall be subject to a probationary period of not less than 2,080 hours of non-overtime work performed. The appointing authority may extend such probationary period up to six additional months for full-time employees or 1,040 hours for part-time employees. The probationary period shall commence from the date of appointment. In the event any absence from work lasting longer than 14 consecutive days, the number of days absent shall be added to the length of the probationary period.

During the probationary period, the employee may be rejected at any time without the right of appeal, hearing or any grievance procedure.

Prior to the end of the probationary period, the appointing authority shall notify the Personnel Officer whether the probationary employee has performed satisfactorily and whether the retention of such employee in the service is desired. This notification may be made in conjunction with the completion of the probationary employee's performance evaluation.

An employee rejected during the probationary period from a position to which he/she has been promoted shall be reinstated to a position in the class from which he/she was promoted, if available, unless he/she is discharged from the City service as provided in the personnel rules. If no vacancy exists in such classification, he/she shall be placed on a reemployment list as provided in the personnel rules.

SEC. 8. Demotion, Dismissal, Reduction in Pay, Suspension, Reprimand: The City Manager shall have the authority to demote, discharge, reprimand, reduce in pay, or suspend, any regular employee for cause in accordance with procedures included in the personnel rules.

SEC. 9. Right of Appeal: Any regular employee in the competitive service shall have the right to appeal a demotion, reduction in pay, suspension of five or more days, or discharge for disciplinary or medical reasons, except in those instances where the right of appeal is specifically prohibited by this ordinance or the personnel rules adopted thereunder.

All appeals shall be processed in accordance with the requirements and procedures as set forth in the personnel rules adopted pursuant to this ordinance.

SEC. 10. Lay-Off and Re-Employment: Lay-off and re-employment actions shall follow the process outlined in the personnel rules.

SEC. 11. Political Activity: The political activities of City employees shall conform to pertinent provisions of state law and any local provision adopted pursuant to state law.

SEC. 12. Contracts for Special Service: The City may contract with any qualified person or public or private agency for the performance of any or all of the following services:

- a. The preparation of personnel rules and subsequent revisions and amendments thereof.
- b. The preparation of a position classification plan, and subsequent revisions and amendments thereof.

- c. The preparation, conduct and grading of competitive tests.
- d. The conduct of employee training programs.
- e. Special and technical services of advisory or informational character on matters relating to personnel administration.

The City Manager shall have the authority to contract for these services unless the cost thereof exceeds the limits set by the City's Purchasing Ordinance. In those instances, the City Manager shall make recommendations to the City Council regarding the contracting for the services required.


SEC. 13. Effective Date. Publication:

The City Clerk shall certify to the adoption of this Ordinance and cause it to be published in the manner required by law.

PASSED, APPROVED, AND ADOPTED this 11th day of October 2011.

  
MAYOR

ATTEST:

  
CITY CLERK.


DATE: 10/26/11

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES       ) ss.  
CITY OF SANTA CLARITA         )

I, Sarah P. Gorman, City Clerk of the City of Santa Clarita, do hereby certify that the foregoing Ordinance 11-16 was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 27th day of September 2011. That thereafter, said Ordinance was duly passed and adopted at a regular meeting of the City Council on the 11th day of October 2011, by the following vote, to wit:

AYES:            COUNCILMEMBERS: Weste, Kellar, Ender, Ferry, McLean  
NOES:            COUNCILMEMBERS: None  
ABSENT:          COUNCILMEMBERS: None

AND I FURTHER CERTIFY that the foregoing is the original of Ordinance 11-16 and was published in The Signal newspaper in accordance with State Law (G.C. 40806).

  
\_\_\_\_\_  
CITY CLERK



STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) ss.  
CITY OF SANTA CLARITA )

CERTIFICATION OF  
CITY COUNCIL ORDINANCE

I, \_\_\_\_\_, City Clerk of the City of Santa Clarita, do hereby certify that this is a true and correct copy of the original Ordinance 11-16, adopted by the City Council of the City of Santa Clarita, CA on October 11, 2011, which is now on file in my office.

Witness my hand and seal of the City of Santa Clarita, California, this \_\_\_\_ day of \_\_\_\_\_ 2011.

\_\_\_\_\_  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

# PERSONNEL RULES

## CITY OF SANTA CLARITA

### RULE I. DEFINITION OF TERMS

- SEC. 1. Allocation: The assignment of a single position to its proper class in accordance with the duties performed, and the authority and responsibilities exercised.
- SEC. 2. Appointing Authority: The officers of the City who have the final authority to make the appointment to a position to be filled. The Director is the appointing authority for all employees in his/her department. For Directors, the appointing authority is the City Manager.
- SEC. 3. At-Will Employee: An employee of the City who is not in the competitive service, as defined herein. All at-will employment may be terminated by the City or the employee at any time without notice and without cause.
- SEC. 4. Class: All positions sufficiently similar in duties, authority, and responsibility, to permit grouping under a common title in the application with equity of common standards of selection, transfer, demotion, and salary.
- SEC. 5. Competitive Service: All offices, positions, and employment in the service of the City except the following:
- A. Elective officers;
  - B. The City Manager, Assistant or Deputy City Managers, and Assistants to the City Manager;
  - C. The City Attorney and any Assistant or Deputy City Attorneys;
  - D. Members of appointive boards, commissions, and committees;
  - E. All Directors and Division Managers;
  - F. Persons engaged under contract to supply expert, professional, technical, or any other services;
  - G. Volunteer personnel;
  - H. All Council appointed officers;
  - I. Emergency employees who are hired to meet the immediate requirements of any emergency condition, such as extraordinary fire, flood, or earthquake which threatens life or property;

- J. Employees, other than those listed elsewhere in this definition, who are not regularly employed in regular positions. “Regularly employed in regular positions” means an employee hired for an indefinite term into a budgeted position, who is regularly scheduled to work no less than 1,040 hours per year, and has successfully completed the probationary period and has been retained as provided in the Personnel Ordinance and these Personnel Rules; and
  - K. Any positions primarily funded under a state or federal employment program.
- SEC. 6. Date of Hire: The date an employee was first appointed to a regular position with the City of Santa Clarita.
- SEC. 7. Day or Days: Calendar days unless expressly stated otherwise.
- SEC. 8. Demotion: The movement of an employee from one class to another class having a lower pay grade.
- SEC. 9. Disciplinary Action: The written reprimand, reduction in pay, suspension, demotion, or termination of a regular employee for corrective reasons.
- SEC. 10. Domestic Partner: A person who has filed a Declaration of Domestic Partnership with the California Secretary of State pursuant to Division 2.5 of the *Family Code* and has been recognized as a registered domestic partner by the Secretary of State.
- SEC. 11. Eligible: A person whose name is on an employment list.
- SEC. 12. Employee Organization: An organization that has been designated as the exclusively recognized employee organization under Resolution No. 94-105.
- SEC. 13. Employment List: A list of names of persons who have completed either an open-competitive recruitment or an internal recruitment for a class in the competitive service and have been recommended to the hiring manager as finalists. The employment list may remain active for up to 12 months.
- SEC. 14. Exempt Employee: An employee who is not entitled to overtime compensation under the provisions of the Fair Labor Standards Act.
- SEC. 15. Full-Time Employee: An employee of the City whose normal work schedule is a minimum of 40 hours in a week.

- SEC. 16. Immediate Family: Unless otherwise specified, immediate family means: spouse; natural, step, or legal children; parent, including parents-in-law; brother or sister, including brother-in-law and sister-in-law; grandparents; grandchildren; State of California registered domestic partners; and children of State of California registered domestic partners.
- SEC. 17. Interim Appointment: See “Out-of-Class Appointment.”
- SEC. 18. Layoff: The separation of employees from the active work force due to lack of work or funds, or to the elimination of positions by the City Council, or due to organizational changes.
- SEC. 19. Non-Exempt Employee: An employee who is entitled to overtime compensation under the provisions of the Fair Labor Standards Act.
- SEC. 20. Out-of-Class Appointment: A temporary appointment of a regular or probationary employee to another classification.
- SEC. 21. Paid Administrative Leave: The temporary assignment of an employee to a status of leave with pay.
- SEC. 22. Part-Time Employee: An employee of the City whose normal work schedule is less than 40 hours in a week.
- SEC. 23. Personnel Officer: The City Manager or his/her duly authorized representative.
- SEC. 24. Personnel Ordinance: Ordinance No. 11-\_\_ which establishes a personnel system for the City.
- SEC. 25. Position: A group of duties and responsibilities assigned or delegated by the City Manager and City Council, the performance of which requires the full-time or part-time employment of one person, or in the case of job-sharing, more than one person.
- SEC. 26. Probationary Period: A period during which an employee is required to show his/her fitness for the position to which the employee was appointed. The probationary period is considered an integral part of the selection process. An employee is not in the competitive service during his/her probationary period.
- SEC. 27. Promotion: The movement of an employee from one class to another class having a higher pay grade.

- SEC. 28. Provisional Appointment: An appointment of a non-regular employee who possesses the minimum qualifications established for a particular class and who has been appointed to a position in that class in the absence of available eligibles. A provisional appointment may not be extended beyond six months without the approval of the Personnel Officer.
- SEC. 29. Recruitment:
- A. Open-Competitive Recruitment: The recruitment for a particular class open to all persons meeting the minimum qualifications for the class. The selection process may include, but is not limited to the following: written exam, technical knowledge assessment, competency assessment, and/or oral interviews.
  - B. Internal Recruitment: The recruitment for a particular class open only to regular employees meeting the minimum qualifications for the class. The selection process may include, but is not limited to, one or more of the following: written exam, technical knowledge assessment, competency assessment, and/or oral interviews.
  - C. Continuous Recruitment: An open competitive recruitment administered periodically and as a result of which names are placed on an employment list for a period of not more than 12 months.
- SEC. 30. Regular Employee: An employee in the competitive service who has successfully completed the probationary period. A regular employee may be part-time or full-time.
- SEC. 31. Reinstatement: The restoration of a former regular employee without engaging in the recruitment process to a classification in which the employee formerly served as a regular employee.
- SEC. 32. Seniority: The amount of time spent in paid status in a regular City position. Seniority is accrued for full months (first day of a month through the last day of the same month) of City service. Individuals serving in part-time positions shall have their seniority calculated proportionately. Unless otherwise required by law, an employee shall lose all seniority and seniority-related benefits upon his/her termination of employment.

- SEC. 33. Supervisory Employee: Any individual having the authority to hire, transfer, suspend, layoff, recall, promote, terminate, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or to effectively recommend such action, if the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. Not all supervisory employees will have the authority to engage in these actions, and the exercise of these actions must be consistent with the authority granted under these Rules or in the employee's job description.
- SEC. 34. Suspension: The temporary separation from service of an employee without pay for disciplinary purposes.
- SEC. 35. Temporary or Seasonal Employee: An employee who is appointed to a non-regular position for a limited period of time. Temporary or seasonal employees may not work more than 1,000 hours per fiscal year or for longer than six months of continuous full-time employment without express prior approval of the Personnel Officer. Temporary or seasonal employees are not part of the competitive service. Temporary or seasonal employees who work, or are required to work, in excess of 1,000 hours per fiscal year or for longer than six months of continuous full-time employment upon express prior approval of the Personnel Officer are eligible for CalPERS benefits. Temporary or seasonal employees are not entitled to any other benefits and do not accrue any paid leave.
- SEC. 36. Termination: The separation of an employee from City service.
- SEC. 37. Transfer: A change of an employee from one position to another position with the same pay grade.
- SEC. 38. Y-Rate: A salary paid above the maximum established salary range for the incumbent's classification. Y-rating may occur when a position is reclassified to a lower pay grade or an employee is demoted from his/her class to a lower class. An employee whose salary is Y-rated will retain his/her current rate of pay until such time that the class has a higher maximum salary rate.

## **RULE II. GENERAL PROVISIONS**

SEC. 1. Purpose of the Personnel Rules: These Personnel Rules establish the policies and procedures for the administration of the City's personnel system. Except as otherwise provided, the Personnel Rules shall apply to those employees occupying positions in classifications in the competitive service. The following Personnel Rules shall also apply to employees who are not in the competitive service:

- A. Rule I – Definitions
- B. Rule II – General Provisions
- C. Rule III – Nondiscrimination
- D. Rule XX – Outside Employment and Other Employee Obligations
- E. Rule XXI – Violence Free Workplace

In no event shall Rules XII – Disciplinary Appeal Procedures, and XIII – Layoff Policy and Procedure be construed to apply to individuals not in the competitive service.

SEC. 2. Delegation of Authority: Except as otherwise provided, any duties, responsibilities, powers, and authority granted by these Personnel Rules or the Personnel Ordinance to the appointing authority, Personnel Officer, Directors, or any other person may be delegated, in writing, to another employee at the discretion of the delegating individual.

SEC. 3. Not an Employment Contract: None of these Personnel Rules shall be deemed to create a vested contractual right for any employee.

SEC. 4. Amendment or Revision of the Personnel Rules: Amendments and revisions shall become effective upon adoption by the City Council.

SEC. 5. Conflicts: In the event of a conflict between these Personnel Rules and an Administrative Policy or a Department's policy or procedure, the Personnel Rules shall control. In the event of a conflict between these Personnel Rules and a Memorandum of Understanding, the Memorandum of Understanding shall control.

SEC. 6. Changes to the Law: When any local, state, or federal ordinance, regulation, or law that is incorporated in the Personnel Rules or upon which the Personnel Rules rely is

amended, the Personnel Rules shall be deemed amended in conformance with those amendments.

SEC. 7. Severability: If any section, subsection, sentence, clause, or phrase of the Personnel Rules is found to be illegal by a court of competent jurisdiction, such findings shall not affect the validity of the remaining portions of the Personnel Rules.

### **RULE III. NONDISCRIMINATION**

SEC. 1. Equal Employment Opportunity: It is the City's policy to ensure equal employment opportunity for all persons seeking employment or promotion to assure equal employment opportunity based upon ability and fitness to all persons regardless of race, religion, color, creed, national origin, gender, sex, sexual orientation, marital status, age, medical condition, mental or physical disability, and/or any other category protected by federal and/or state law.

SEC. 2. Disabled Applicants and Employees: The City has a commitment to ensure equal opportunities for disabled applicants and City employees. Every reasonable effort will be made to provide an accessible work environment for such employees and applicants. Employment practices (*e.g.*, hiring, training, testing, transfer, promotion, compensation, benefits, and disciplinary action) will not discriminate against disabled employees.

The City will engage in the interactive process, as defined by the Americans with Disabilities Act ("ADA") and the Fair Employment and Housing Act ("FEHA"), to determine whether an applicant or employee is able to perform his/her essential functions. During this process, the City will examine possible reasonable accommodations that will make it possible for the employee or applicant to so perform. Such interactive process will include a meeting with the employee or applicant, the City, and, if necessary, the employee or applicant's health care provider.

Reasonable accommodation can include, but is not limited to, job restructuring or reassignment to a vacant position for which the employee is qualified. Examples of accommodations that are considered unreasonable include, but are not limited to promotion, the creation of a new position, or the reassignment of essential functions of the position.



While the City is engaged in the interactive process with an employee, the City may require that the employee be placed on a fitness for duty leave in accordance with Rule XV – Attendance and Leaves of Absence, Section 12.

- SEC. 3. Prohibition Against Unlawful Harassment, Discrimination, and Retaliation: City policy prohibits unlawful harassment and discrimination based on an employee's race, religion, color, creed, national origin, sex, gender, sexual orientation, marital status, age, mental or physical disability, and/or any other category protected by federal and/or state law. In addition, City policy prohibits retaliation because of the employee's opposition to a practice the employee reasonably believes to constitute employment discrimination or harassment or because of the employee's participation in an employment investigation, proceeding, or hearing. See the City's policy against harassment, discrimination, and retaliation for additional information.

#### **RULE IV. CLASSIFICATION**

- SEC. 1. Preparation of Plan: The Personnel Officer, or a person or agency employed for that purpose, shall ascertain and record the duties and responsibilities of all positions in the competitive service and shall recommend a classification plan and amendments thereto for such positions. The classification plan shall consist of a separate position description, containing position title, general statement of duties, typical tasks, and minimum qualifications for each class of position.
- SEC. 2. Adoption, Amendment, and Revision of Plan: The classification plan shall be adopted and/or amended by the City Manager. However, if salary will be affected by the classification plan, then it shall be adopted and/or amended by the City Council.
- SEC. 3. Allocation of Positions: Following the adoption of the classification plan and consultation with any recognized employee organization affected, the Personnel Officer shall allocate every position in the competitive service to one of the classes established by the plan.
- SEC. 4. New Positions: A new position shall not be created and filled until the classification plan has been amended to provide for such positions.

SEC. 5. Reclassification: Revision of position descriptions and reallocations within the classification plan will be made from time to time. It shall be the responsibility of the Personnel Officer to examine the nature of all positions and to allocate them to existing or newly created classes. Position reclassification does not go through the competitive recruitment and selection process.

Employees in a position classification that is upgraded or downgraded in salary to reflect change in market conditions or job duties being performed shall have a new salary anniversary date, which shall be the date the employee's new salary became effective. The employee's performance evaluation date also will be adjusted to coincide with the new salary anniversary date. As a result of reclassification, an employee's salary may be Y-rated. If an employee is in a probationary period at the time of reclassification, he/she must complete the previously established probationary period.

## **RULE V. APPLICATIONS AND APPLICANTS**

SEC. 1. Announcement: All positions in the competitive service shall be publicized by such methods as the Personnel Officer deems appropriate. The announcements shall specify the title and pay range of the class; the nature of the work to be performed; the experience and education requirements; the knowledge, skills, and abilities desirable for the performance of the work; how to apply; the application deadline date; that a post-offer, pre-employment physical examination is required, which may include a drug test; and other relevant information.

SEC. 2. Application Forms: Applications must be submitted using the appropriate form and following the advertised application process. Application forms shall require information covering education, work history, training, references, and other pertinent information. All applications must be signed by the person applying.

SEC. 3. Disqualification: The Personnel Officer may reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position, has failed to fully complete the application or submit all required materials, or for any other valid reason as determined by the Personnel Officer.

SEC. 4. Ineligibility for Employment:

- A. Further examination or consideration for employment of any applicant may be discontinued, and any temporary or probationary employment of any person may be terminated, when any of the following has been determined to the satisfaction of the Personnel Officer:
1. That the applicant has been convicted of a felony and such felony conviction, in the opinion of the Personnel Officer, is contrary to the qualifications for the functions and duties of the position for which the employment application is made;
  2. That the applicant has been convicted of a misdemeanor involving moral turpitude, dishonesty, fraud, or deceit; or
  3. That the applicant has lied on his/her application for employment or the accompanying documentation.

SEC. 5. Background Investigations: The City, or a person or entity hired by the City, may conduct a background investigation of any applicant for employment. Such a background investigation may include, but is not limited to reference checks, employment history, criminal history, and public records. When the City conducts such an investigation, it will comply with all requirements of the federal Fair Credit and Reporting Act and the California Investigative Consumer Reporting Agencies Act, as well as all other applicable state and federal laws.

**RULE VI. SELECTION PROCESS AND RECRUITMENT**

SEC. 1. Selection Process: The selection process shall be impartial and relate to those subjects which, in the opinion of the Personnel Officer, fairly measure the relative capacities of the applicants to execute the duties and responsibilities of the class to which they seek to be appointed. The selection process may include but is not necessarily limited to achievement, aptitude, and other written tests, personal interview, performance tests, physical agility tests, evaluation of daily work performance, work samples, medical tests (including drug tests), successful completion of prescribed training, or other selection techniques as determined by the Personnel Officer. The probationary period shall be considered a portion of the selection process.

The selection process shall be designed to provide equal opportunity to all candidates by being based on an analysis of the essential requirements of the class, covering only factors related to such requirements.

The Personnel Officer shall ensure that reasonable accommodations are made in the selection process for persons with disabilities under the ADA and/or FEHA. All medical examinations (including drug tests) shall only be administered after the conclusion of all other portions of the selection process, except the probationary period, and after a conditional offer of employment has been made by the City.

- SEC. 2. Internal Recruitment: Internal recruitment may be conducted when, in the opinion of the Personnel Officer, the needs of the City so require. The selection process for internal recruitment may include any of the techniques mentioned in Section 1 of this Rule, or any combination of them. Only regular or probationary employees who meet the requirements set forth in the internal job announcements may compete.
- SEC. 3. Continuous Recruitment: Open-competitive recruitments may be administered periodically, as the needs require. Qualified applicants shall be placed on employment lists and shall remain on such lists as prescribed in Rule VII.
- SEC. 4. Applicant Testing: The Personnel Officer may enter into a contract with any competent agency or individual for the preparing and/or administering portions of the selection process. If the Personnel Officer does not contract these duties to an agency or individual, then the Personnel Officer shall ensure that such duties are performed.
- SEC. 5. Notification of Recruitment Results: Each candidate in the recruitment process shall be given notice of the results. Except as stated above and as required by law, recruitment results and recruitment files are considered confidential documents and shall not be disclosed.

## **RULE VII. EMPLOYMENT LISTS**

- SEC. 1. Employment Lists: As soon as possible after the completion of a recruitment, the Personnel Officer shall prepare and maintain an employment list consisting of the names of candidates who qualified as finalists.

- SEC. 2. Duration of Lists: Employment lists shall remain in effect for up to 12 months unless the Personnel Officer abolishes the employment list after determining that the abolition of the list is in the best interest of the City.
- SEC. 3. Removal of Names from List: The name of any person appearing on an employment list shall be removed by the Personnel Officer if the person requests in writing that his/her name be removed or if the person fails to respond to a notice of certification mailed to the last designated address. Persons on employment lists as a result of an internal recruitment who leave the service of the City for any reason shall automatically be dropped from such lists.

## **RULE VIII. METHOD OF FILLING VACANCIES**

- SEC. 1. Types of Appointment: All vacancies in the competitive service shall be filled by transfer, promotion, demotion, reemployment, reinstatement, or from an available employment list by the Personnel Officer. In the absence of persons eligible for appointments as specified above, provisional appointments may be made in accordance with these Personnel Rules.
- SEC. 2. Notice to Personnel Officer: If a vacancy in the competitive service is to be filled, the appointing authority shall notify the Personnel Officer. If there is no reemployment list available for the class, the appointing authority shall have the right to decide whether to fill the vacancy by reinstatement, transfer, demotion, or appointment from an employment list. The appointing authority may select the method he/she believes is in the best interests of the City and the Department for filling the vacancy.
- SEC. 3. Certification of Eligibles: If the appointing authority does not consider it in the City's best interest to fill the vacancy by reinstatement, transfer, or demotion, or if it is not possible to fill the vacancy by reemployment, certification shall be made from an appropriate employment list, provided eligibles are available. When the appointing authority requests a vacancy be filled by appointment from an employment list, the Human Resources Division shall confirm the existence of an active employment list and provide that information to the appointing authority.

SEC. 4. Appointment: After an interview and background investigation, the appointing authority shall make a job offer to a certified candidate and immediately notify the Personnel Officer of the appointment. The person accepting the job offer shall report to the Personnel Officer, or the Personnel Officer's designated representative, on or before the date of appointment to complete the hire process. If the applicant accepts the job offer and reports for employment on the date and time agreed, the applicant shall be deemed to be appointed. Failure of an applicant to report to work shall be deemed that the applicant has declined the appointment.

SEC. 5. Provisional Appointment: In the absence of there being names of individuals willing to accept appointment from appropriate employment lists, a provisional appointment may be made by the appointing authority of a non-employee meeting the minimum training and experience qualifications for the position. A provisional employee may be removed at any time without the right of appeal or hearing. No provisional appointment shall exceed six months, without the approval of the Personnel Officer.

A provisional appointee shall accrue the same benefits as probationary employees. If a provisional appointee is selected for a full-time position with the City, the time served as a provisional appointee shall not be counted as time toward the fulfillment of the required probationary period or toward City service including the eligibility and accrual for benefits. The time in the provisional appointment will count toward PERS service time, provided that the time spent in the provisional appointment qualifies under PERS rules and regulations.

No special credit shall be allowed in meeting any qualifications or in the giving of any test or the establishment of any open-competitive lists, for service rendered under a provisional appointment.

## **RULE IX. PROBATIONARY PERIOD**

SEC. 1. Regular Appointment Following Probationary Period:

- A. All regular and promotional full-time appointments within the competitive service shall be subject to a probationary period of not less than one year actual service. However, the appointing authority may extend an employee's probationary period for up to six months.

- B. All regular and promotional part-time appointments shall be subject to a probationary period of not less than 2,080 hours of non-overtime work performed. However, the appointing authority may extend an employee's probationary period for up to 1,040 hours.

Prior to the end of the probationary period, the appointing authority shall notify the Personnel Officer whether the probationary employee has performed satisfactorily and whether the retention of such employee in the service is desired. This notification shall be made in conjunction with the completion of the probationary employee's performance evaluation, as set forth in Section 2.A of Rule XVIII, Performance Evaluation Procedure. If retention is not desired, the probationer will be rejected in accordance with Section 4 of this Rule.

- SEC. 2. Objective of Probationary Period: The probationary period shall be regarded as a part of the selection process and shall be used for closely observing the employee's work, to determine if he/she can successfully perform the assigned duties of his/her position and adhere to City rules and policies, and for helping to ensure the employee effectively adjusts to his/her position.
- SEC. 3. Extension of Probationary Period while on a Leave of Absence: An employee's probationary period shall be extended when the employee takes one or more leaves of absence that total more than 14 days. The employee's probationary period shall be extended by the same period of time that the employee was absent.
- SEC. 4. Rejection of Probationer: During the probationary period, an employee may be rejected at any time by the appointing authority without cause and without the right of appeal. Notification of rejection by the appointing authority shall be served on the probationer and shall occur prior to the end of the probationary period.
- SEC. 5. Rejection Following Promotion, Reassignment, or Transfer: Any employee in good standing who is rejected during or at the conclusion of the probationary period following a promotional appointment, reassignment, or transfer, shall be reinstated to the position from which he/she was appointed if it is vacant. If there is no such vacancy, the employee may request to be placed on a reemployment list. Employees who have charges filed against them as outlined in Rule XI, Disciplinary Action, may be considered in bad standing and

may be terminated and have no right to be reinstated or placed on a reemployment list.

## **RULE X. TRANSFER, DEMOTION, AND REINSTATEMENT**

- SEC. 1. Transfer: No person shall be transferred to a position for which that person does not possess the minimum qualifications. Upon notice to the Personnel Officer, an employee may be transferred by the Director at any time from one position to another position in a comparable class. For transfer purposes, a comparable class is one with the same pay grade, involves the performance of similar duties and requires substantially the same basic qualifications. If the transfer involves a change from one department to another, both Directors must consent unless the Personnel Officer orders the transfer. Transfer shall not be used to accomplish a promotion or demotion each of which may be accomplished only as provided in the Personnel Ordinance or the Personnel Rules. An employee who transfers to a position in a different classification and in which they have not previously completed a probationary period, may be required to serve a probationary period in his/her new position, as determined by the Director in consultation with the Personnel Officer and with final approval of the Personnel Officer.
- SEC. 2. Involuntary Demotion: The Director may demote an employee whose ability to perform the required duties falls to an unacceptable level and/or for disciplinary purposes. An employee only shall be demoted to a position for which he/she possesses the minimum qualifications. A disciplinary demotion shall be in accordance with Rule XI, Disciplinary Action. An involuntarily demoted employee may receive a reduction in pay commensurate with the involuntary demotion as determined by the Director in consultation with and final approval of the Personnel Officer. An involuntarily demoted employee may also be required to serve a probationary period in his/her new position, as determined by the Director in consultation with and final approval of the Personnel Officer.
- SEC. 3. Voluntary Demotion: Upon written request of an employee and with the approval of the Director, an employee may voluntarily demote to a classification with a lower pay grade and for which he/she is qualified. A voluntarily demoted employee may be assigned a reduction in pay



commensurate with the voluntary demotion as determined by the Director in consultation with the Personnel Officer and with the final approval of the Personnel Officer. A voluntarily demoted employee may also be required to serve a probationary period in his/her new position, as determined by the Director in consultation with the Personnel Officer and with final approval of the Personnel Officer.

SEC. 4. Reinstatement: With the approval of the Personnel Officer, a regular employee or probationary employee who has completed at least six months of probationary service and who has resigned with a good record may be reinstated within one year of the effective date of resignation to a vacant position in the same or comparable class. For purposes of reinstatement, "good record" shall mean that the employee was not terminated for cause under these Personnel Rules, did not resign in lieu of termination, provided the required amount of notice of resignation, and was evaluated at least as "successful/fully meets job standards" or an equivalent rating on his/her last performance evaluation. Upon reinstatement, the employee shall be subject to the probationary period prescribed for the class. No credit for former employment shall be granted in computing salary, vacation, sick leave, city-provided retirement benefits, or other benefits except on the specific written direction of the Personnel Officer at the time of reinstatement.

SEC. 5. Out-of-Class Assignment: With the approval of the Personnel Officer, regular or probationary employees may be assigned to a higher level classification in the case of unusual extended leaves and/or vacancies of 15 consecutive calendar days or more as a professional growth and developmental opportunity. The employee must meet the minimum qualifications to hold the higher position in order to qualify for an out-of-class assignment. The assignment must last for a minimum of 15 consecutive calendar days to a maximum of six consecutive months. The Personnel Officer may approve extending the length of an Out-of-Class Assignment. All requests for an Out-of-Class Assignment must be presented to the Personnel Officer by the Director in advance and be approved by the Personnel Officer in advance.

Employees appointed to an Out-of-Class Assignment will be compensated, at the Personnel Officer's discretion, at not less than a 5% increase over their current salary, to a

maximum of “E” step of the higher level classification. Benefit levels will remain unchanged for the duration of the Out-of-Class Assignment. Compensation changes will be effective with the first day of the Out-of-Class Assignment and continue through the end of the assignment.

## **RULE XI. DISCIPLINARY ACTION**

- SEC. 1. Types of Disciplinary Action: Disciplinary action consists of written reprimands, termination, involuntary demotion, suspension, transfer because of misconduct, or reduction in salary. While the City maintains a progressive disciplinary system, the City may impose discipline at any level that is appropriate for the employee’s action up to and including termination. The following are not disciplinary actions and are not subject to the provisions of this Rule:
- A. Deferred merit salary increases;
  - B. Negative performance evaluations;
  - C. Demotion or termination due to layoff;
  - D. Verbal counseling; and
  - E. Transfer to another position without a loss of pay.
- SEC. 2. Reasons for Disciplinary Action: Discipline of non-probationary regular employees in the competitive service will not be imposed except upon a showing of good cause which may include but shall not be limited to the following:
- A. Violation of City Personnel Rules, ordinances, and/or administrative policies and procedures;
  - B. Failure to properly perform assigned duties;
  - C. Theft, failure to properly care for, or causing harm to City property or the property of another;
  - D. Insubordination;
  - E. Dishonesty;
  - F. Falsification of records, including information provided on an application for employment;
  - G. Conviction of a felony, or conviction of a misdemeanor relating to the employee’s fitness to perform assigned duties;

- H. Assault, battery, or fighting while on duty or under the appearance of office;
- I. Acceptance of bribes or extortion;
- J. Unauthorized absence from employment, leaving the job without authorization, or excessive absenteeism;
- K. Tardiness;
- L. Abuse of or inappropriate use of paid leaves;
- M. Discourteous treatment of or failure to maintain satisfactory working relationships with employees, contractors, or the public;
- N. Reporting for work, or being at work, under the influence of or in possession of alcohol or non-prescribed controlled substances;
- O. Gambling on City property or during working hours;
- P. Unauthorized or improper use of City property or funds, unauthorized access, unauthorized disclosure, and/or misuse of proprietary or confidential City information;
- Q. Acceptance of any gift, reward, or other form of compensation in addition to regular compensation for performance of official duties other than as provided for by written City policy or state laws;
- R. Laziness, carelessness, or negligence;
- S. Sleeping on the job;
- T. Failure to maintain any employment qualification;
- U. Failure to comply with safety standards;
- V. Interfering with the work performance of others; and/or
- W. Other failure of good behavior either during or outside of employment such that the employee's conduct causes discredit to the City.

SEC. 3. Disciplining Authority:

- A. Directors and/or Division Managers shall have the authority to impose discipline up to a suspension of four working days. When a Director or Division Manager imposes discipline of a severity equal to or lesser than four working days, the Director or Division Manager is not required to adhere to Sections 5 or 6 of this Rule,

and the employee shall have no right of appeal under Rule XII, Disciplinary Appeal Procedures.

- B. Directors shall have the responsibility to institute disciplinary action, to schedule and conduct any predisciplinary conference, and to make recommendations to the Personnel Officer regarding the imposition of disciplinary action of a severity equivalent to a suspension of five working days or more. If the Personnel Officer concurs with the Director's recommendation of discipline, either the Personnel Officer or the Director shall have the authority to impose such discipline.

SEC. 4. Delegation of Authority: If a Director, Division Manager, or the Personnel Officer delegates his/her authority in accordance with Section 2 of Rule II of these Personnel Rules, he/she must commit the delegation to writing. Further, if an individual is unable to delegate his/her authority due to absence, incapacity, or other reason, the Human Resources Manager has the authority to act in that individual's capacity without a written delegation of authority.

SEC. 5. Notice of Intent: Prior to recommending the imposition of any disciplinary action of a severity equal to a suspension of five working days or more, the Director shall issue a Notice of Intent to the employee setting forth the nature of the proposed disciplinary action and any specific charges against the employee. The Notice of Intent shall also inform the employee of his/her right to receive copies of the written documents and materials upon which the proposed disciplinary action is based and of his/her right to respond either verbally or in writing within five working days from the date of the issuance of the Notice of Intent. A copy of the Notice of Intent, and any written response by the employee, shall be placed in the employee's personnel file.

SEC. 6. Predisciplinary Conference: An employee may request, or the Director may require, that the employee meet with the Director prior to the imposition of discipline. The predisciplinary meeting must occur within five working days from the date of issuance of the Notice of Intent, unless the City and the employee mutually agree to extend the time to respond to the Notice of Intent. If an employee, who is represented by an Employee Organization, requests or is required to meet with a Director and such meeting involves the possible imposition of disciplinary action against the

employee, the employee, upon request, shall be entitled to have a representative from the Employee Organization present at such meeting.

- SEC. 7. Notice of Imposition of Discipline: Within five working days after the later of the employee's verbal or written response, the date of the predisciplinary meeting, or the expiration of the employee's time to respond to the Notice of Intent, the Director shall take one of the following actions: (1) dismiss the Notice of Intent and take no disciplinary action against the employee; (2) modify the intended disciplinary notice; or (3) prepare and serve upon the employee a Notice of Imposition of Discipline. The Notice of Imposition of Discipline shall include the following:
- A. The disciplinary action taken;
  - B. The effective date of the disciplinary action taken;
  - C. Specific charges upon which the action is based;
  - D. A summary of the facts upon which the charges are based; and
  - E. The employee's right to appeal.
- SEC. 8. Untimeliness: An employee's failure at any step of the process described above to respond to a disciplinary action within specified time limits shall be deemed acceptance of the decision rendered and a waiver of any further appeal steps.
- SEC. 9. Paid Administrative Leave: An employee may be placed on a Paid Administrative Leave to allow the City time to fully investigate the facts of an alleged violation, while the disciplinary action is in process, or when the Personnel Officer determines that it is in the best interest of the City. The employee shall be considered to be on duty at his/her own home. The employee must be available by telephone during his/her normal working hours. The employee may leave his/her home, so long as the employee is available by telephone, and available to report to work within a reasonable time following a request by the City. When an employee is placed on Paid Administrative Leave during this investigation, he/she shall not discuss the alleged violation or the disciplinary action with anyone, except a representative of his/her choice. Failure to remain reachable by telephone shall be considered insubordination and could result in additional disciplinary action. The employee shall

be informed that communicating with others, except a representative of his/her choice, about a pending investigation constitutes insubordination and is a separate and independent ground for discipline. This section is not intended to prevent the employee from communicating with his/her legal counsel or with his/her union representative.

## **RULE XII. DISCIPLINARY APPEAL PROCEDURES**

SEC. 1. Requests for Disciplinary Hearings: Employees shall have the right to appeal the imposition of disciplinary action of a severity equal to a suspension of five working days or more. When an employee requests a disciplinary hearing, the request shall be in writing, signed by the employee and presented to the City Manager within 10 working days after the date of the Notice of Imposition of Discipline if personally served and 15 working days if served by mail. Any such requests shall be addressed to the City Manager and shall identify the subject matter of the appeal, the grounds for the appeal, and the relief desired by the employee. All disciplinary hearings shall be conducted in private unless the employee requests a public hearing in writing.

If the employee fails to request a disciplinary hearing within the prescribed time and manner, the employee shall have waived the right to a hearing and all rights to further appeal of the disciplinary action.

SEC. 2. Scheduling of Disciplinary Hearing: The City Manager shall schedule any disciplinary hearing within a reasonable time after the filing of the employee's request, considering the availability of a Hearing Officer and the availability of the employee and witnesses.

SEC. 3. Hearing Officer: The City Manager shall be the Hearing Officer for disciplinary hearings or the City Manager may designate a third party as the Hearing Officer for any disciplinary hearing.

SEC. 4. Representation at Disciplinary Hearing: At the disciplinary hearing, the employee may appear personally and may be represented by counsel or other representative.

SEC. 5. Employee's Appearance at Disciplinary Hearing: An employee who requests an appeal of discipline imposed under Rule XI, Disciplinary Action, must be present during

his/her appeal hearing. Failure of the employee to be present shall constitute a waiver of the employee's right to an appeal. Waiver will not occur if the employee can demonstrate good cause for his/her failure to be present within three working days from the date the employee fails to appear.

SEC. 6. Subpoenas for Witnesses and Documents: The Hearing Officer shall have the authority to issue subpoenas, to compel the attendance of witnesses, and to require the production of documents.

SEC. 7. Conduct of Disciplinary Hearing: The proceedings before the Hearing Officer shall be conducted as follows:

- A. All interested parties shall have the following rights:
  - 1. To call and examine witnesses;
  - 2. To introduce exhibits;
  - 3. To cross-examine opposing witnesses on any matter relevant to the issue, even if the matter is not covered in the direct examination;
  - 4. To impeach any witness regardless of which party first called him/her to testify;
  - 5. To rebut the evidence against them; and
  - 6. To present oral and written arguments.
- B. The City shall have the burden of proof, and the burden shall be by the preponderance of the evidence.
- C. The hearing need not be conducted in accordance with the technical rules relating to evidence and witnesses, but shall be conducted in a manner most conducive to the determination of the truth. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which might make improper admission of such evidence over objection in a court of law. Decisions made by the Hearing Officer shall not be invalidated by any informality in the proceedings.
- D. The Hearing Officer shall not take testimony from one party outside the presence of the other.

- E. Hearsay evidence may be used for the purpose of explaining any direct evidence, but shall not be sufficient to support a finding, unless it would be admissible over objections in civil actions.
- F. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions.
- G. The Hearing Officer shall determine the relevancy, weight, and credibility of testimony and evidence.
- H. Irrelevant evidence and unduly repetitious evidence shall be excluded.
- I. The Hearing Officer shall have the power to exclude any witnesses.

SEC. 8. Hearing Officer's Decision: The Hearing Officer shall base his/her findings on the preponderance of the evidence. Within 30 days after the disciplinary hearing, the Hearing Officer shall issue a written decision containing findings of fact and conclusions of law. The Hearing officer shall have the authority to affirm, revoke, or reduce the disciplinary action imposed against the employee. The Hearing Officer may not provide for discipline more stringent than that imposed by the City. The Hearing Officer's decision constitutes a final resolution of any disciplinary action and no further appeal shall be permitted within the City's administrative process. A copy of the Hearing Officer's decision shall be provided to the charged employee, and may be placed in the employee's personnel file.

Notwithstanding the above, the Hearing Officer shall not have binding authority to add, modify, or subtract from applicable Memoranda of Understanding, the Personnel Rules, or any resolutions, ordinances, or policies adopted by the City. Further, the Hearing Officer shall not have the authority or power to render a binding decision that requires the City to expend additional funds, to hire additional personnel, to buy additional equipment or supplies, or to pay wages or benefits not specifically provided for in applicable Memoranda of Understanding, the Personnel Rules, or any resolutions, ordinances, or policies adopted by the City. The Hearing Officer shall not have the authority to require the City to perform any other action that would violate state or federal laws.



SEC. 9. Cost Allocation: If an outside Hearing Officer presides over the appeal, the Hearing Officer's fees shall be borne entirely by the City.

**RULE XIII. LAYOFF POLICY AND PROCEDURE**

SEC. 1. Statement of Intent: Whenever, in the judgment of the City Council, it becomes necessary to abolish any position or employment, the employee holding such position or employment, may be laid off or demoted without disciplinary action and without the right of appeal.

SEC. 2. Notification: Employees to be laid off shall be given, whenever possible, at least 14 days prior notice.

SEC. 3. Vacancy and Demotion: Except as otherwise provided, whenever there is layoff, the Director shall first demote employees who are scheduled to be laid off to an existing and open position in a class with a lower pay grade for which the employee is qualified. All persons so demoted shall have their names placed on the reemployment list for the classification from which they were laid off.

SEC. 4. Order of Layoff: In each class of position, employees shall be laid off according to employment status in the following order: temporary, provisional, probationary, and regular. Temporary, provisional, and probationary employees shall be laid off according to the needs of the service as determined by the Director. In cases where there are two or more regular employees in the class from which the layoff is to be made, such employees shall be laid off inverse order of seniority in City service, so that the employee with the least amount of seniority will be laid off first. For purposes of calculating seniority for this Section 4, all continuous service of the employee in a probationary or regular position shall be counted. However, if an employee has had a break in service, the time spent in service of the City prior to that break in service shall not be included in the calculation of seniority. Further, except as otherwise required by law, the calculation of seniority will not include any time spent on an unpaid leave of absence.

SEC. 5. Employee Bumping Rights:

A. A laid off employee shall have the right to displace an employee in the same department who has less seniority in a class with a lower pay grade in the same class

series or in a classification with a lower pay grade in which the affected employee once had regular status. For the purpose of this Section and Section 6, seniority includes all periods of full-time service at or above the classification pay grade where layoff is to occur.

- B. In order to retreat to a former classification or a classification with a lower pay grade, an employee must have more seniority than at least one of the incumbents in the retreat class and request displacement action in writing to the Personnel Officer within five working days of receipt of notice of layoff.
- C. Employees retreating to a lower or similar class shall be placed at the salary step representing the least loss of pay. In no case shall the salary be increased above that received in the class from which the employee was laid off nor will the salary exceed the maximum salary range for the new position. Employees retreating to a lower or similar class shall serve a probationary period in the new class unless they have previously successfully completed a probationary period in the class or a class in the class series.

SEC. 6. Reemployment List: The names of persons laid off or demoted in accordance with these Personnel Rules shall be entered upon a reemployment list. Lists from different departments or at different times for the same class of position shall be combined into a single list. Such list shall be used by every Director when a vacancy arises in the same or lower class of position before certification is made from an eligible list or starting a recruitment.

SEC. 7. Duration of Reemployment List: Names of persons laid off shall be carried on a reemployment list for one year, except that persons appointed to regular positions of the same level as that which laid off, shall, upon such appointment, be dropped from the list. Persons who refuse reemployment shall be dropped from the list. Persons reemployed in a lower class, or on a temporary basis, shall be continued on the list for the higher position for one year.

#### **RULE XIV. SEPARATION FROM SERVICE**

SEC. 1. Termination: An employee in the competitive service may be terminated for cause at any time by the Director. Whenever it is the intention of the Director to terminate an

employee in the competitive service, the Personnel Officer shall be notified prior to the termination. Disciplinary termination action shall be taken in accordance with Rules XI, Disciplinary Action, and Rule XII, Disciplinary Appeal Procedures. At-will employees and employees who are not in the competitive service, may be terminated at any time without cause, without notice, and without the right to appeal said termination.

SEC. 2. Resignation: Any employee electing to leave the competitive service in good standing shall file with the Director a written resignation stating the effective date and reasons for leaving at least 14 days before leaving the service, unless such time limit is waived by the Director or the Personnel Officer. Failure to give notice, as required by this Rule, shall be cause for denying future employment by the City.

SEC. 3. Retirement:

A. Service Retirement: An employee may voluntarily terminate his/her employment with the City after having satisfied the age and length of employment requirements of the Public Employees Retirement System ("PERS") procedures for applying for retirement benefits.

B. Disability Retirement: An employee may terminate his/her employment in accordance with PERS standards and procedures when it is necessitated by an injury or illness that renders the employee incapable of performing his/her essential functions, as defined in the class specifications.

SEC. 4. References for Employees: Only the Personnel Officer and the Human Resources Manager or their designees are authorized to provide references for former or current employees on behalf of the City of Santa Clarita. No other employee is authorized to provide written or verbal references or recommendations for former or current employees. No other employee is authorized to respond to questions about former or current employees regarding their work performance. As such, any employee who receives a request for a reference is required to forward that request to the Human Resources Manager.

## **RULE XV. ATTENDANCE AND LEAVES OF ABSENCE**

SEC. 1. Attendance: Attendance is considered an essential function of every position in the City's service. Employees shall be in attendance at their work station or location in accordance with their established work schedule. All departments shall keep daily attendance records of employees which shall be reported using the designated time card and procedure as specified by the City.

SEC. 2. Unauthorized Absence: If an employee is absent from work without having requested and obtained supervisory approval for his/her absence or if an employee fails to return at the conclusion of an approved leave of absence, the absence shall be considered unauthorized.

Failure of an employee to return to duty within 24 hours after the City sends notice to the employee ordering him/her to return to work shall be considered a voluntary resignation, and the employee automatically waives all rights under the Personnel Ordinance and these Personnel Rules. The notice to the employee shall be delivered either by (a) personal service to the employee; or (b) depositing in the mail of a certified overnight delivery, postage paid, return receipt requested, addressed to the employee's last known address.

However, the employee shall be given 48 hours to present good cause for his/her failure to return to duty. The 48-hour period shall begin at the conclusion of the 24-hour period that the employee has to return to work. The employee may present his/her good cause verbally or in writing to the Personnel Officer. The Personnel Officer shall then have 48 hours to determine whether he/she accepts the employee's proof of good cause.

If the time limits specified in this Section include non-work days, those non-work days shall not be included in the calculation of said time limits. For example, if an employee is ordered to return to work at 8:00 a.m. on Thursday, the employee must return to work by 8:00 a.m. on Friday. The employee would then have until 8:00 a.m. on Tuesday to present good cause for his/her failure to return to duty as ordered because Saturday and Sunday are typically non-work days.

If an employee returns to work after receiving said notice, the City reserves the right to discipline the employee under

Rules XI, Disciplinary Action, and XII, Disciplinary Appeal Procedures, for any violations of City Personnel Rules and regulations that the employee may have committed by being absent without authorization.

SEC. 3. Effect of Leave of Absence:

A. Effect of Leave of Absence on Employment Benefits:

1. Fully Paid Leave: Unless otherwise required by law, an employee on a leave of absence who continues to receive full compensation through the use of his/her accrued leave banks will continue to receive full employment benefits. Such employment benefits, may include, but are not limited to, the accrual of paid leaves, accrual of seniority, and cafeteria contributions, which remain at the rate the employee would receive if he/she was working his/her normal work schedule.
2. Partially Paid Leave: Unless otherwise required by law, an employee on a paid leave of absence who is receiving less than full compensation from the City through the use of his/her accrued paid leaves shall receive a pro-rated share of his/her employment benefits, including, but not limited to, the accrual of paid leaves, accrual of seniority, cafeteria contributions, or supplemental pay. In accordance with Section 10, Administrative Leave, of this Rule, full-time exempt employees who are on a partially paid leave shall not accrue Administrative Leave during that pay period.
3. Unpaid Leave: Unless otherwise required by law, an employee on an unpaid leave of absence shall not accrue any employment benefits, including, but not limited to, the accrual of paid leaves, accrual of seniority, cafeteria contributions, and supplemental pay.

B. Effect of Leave on Probationary Periods, Performance Evaluations, and Merit Increases: An employee on one or more leaves of absence lasting longer than 14 days shall have his/her probationary period, performance evaluation, and merit increase, if relevant, postponed by an amount equal to the amount of leave taken.

SEC. 4. Leave of Absence Without Pay:

A. Mandatory Exhaustion of Paid Leaves:

1. Medical Leave: If an employee is requesting a leave of absence for medical reasons, the employee is required to fully exhaust all of his/her paid leaves in order to be eligible to receive a leave of absence without pay.
2. Personal Leave: If an employee is requesting a leave of absence for personal reasons, the employee is required to fully exhaust all of his/her paid leaves, except sick leave, in order to be eligible to receive a leave of absence without pay.

B. Length of Leave of Absence Without Pay: The Personnel Officer, in his/her discretion, may grant a regular or probationary employee leave of absence without pay for up to three months. The Personnel Officer may, in his/her discretion, extend the leave in three-month increments; however, unless otherwise required by law, in no circumstances shall the total amount of unpaid leave be longer than 12 months.

Upon receipt of a written request, Directors may grant a regular or probationary employee leave of absence without pay not to exceed 40 hours within the last 12 months. All leaves granted by Directors shall be immediately reported to the Personnel Officer and the Human Resources Division.

C. Process for Requesting Leave of Absence Without Pay: An employee requesting a leave of absence without pay must submit his/her request to the Personnel Officer (or the Director in cases where the employee has requested 40 or fewer unpaid hours off in the last 12 months) in writing at least 14 days in advance and must set forth the reason(s) for the request. The employee must also attach documentary evidence supporting his/her need for the leave of absence. When such advance notice is not practicable, the request must be submitted as soon as is practicable under the circumstances. The Personnel Officer or the Director may request reasonable documentation, in addition to any documents attached to the employee's request, supporting the employee's reason for requesting the leave. The

approval or denial of such leaves of absence shall be in writing.

- D. Returning from Leave of Absence Without Pay: An employee who fails to report promptly back to work at the expiration of the Leave of Absence without Pay, or within a reasonable time after notice to return to duty, shall be designated on an unauthorized absence under Section 2 and those procedures shall apply.
- E. Revocation of Leave of Absence Without Pay: The Personnel Officer or Director shall have the right to revoke a previously granted unpaid leave of absence upon a determination that the leave is not being used for the purpose for which it was granted or the needs of the City change, and the employee may be subject to discipline in accordance with Rule XI, Disciplinary Action.

SEC. 5. Military Leave: Military leave shall be granted in accordance with the provisions of federal, state, and local law. During active military campaigns, employees who are called to serve shall be entitled to a continuation of their City pay, offset by military pay for a total of 180 days for the period of active duty. The 180 days provided by the City runs concurrently with any federal, state, or local military leave laws. If the employee is entitled to benefits under the provisions of federal or state law, the offset City pay shall be reduced by such federal or state mandated benefits.

All employees entitled to military leave shall, within the limits of military regulations, give the appointing authority an opportunity to determine when such leave shall be taken.

SEC. 6. Vacation Leave:

- A. Request for Vacation Leave: An employee who wishes to take vacation leave must submit a request to his/her immediate supervisor in advance of the intended vacation. The granting and scheduling of vacation is at the discretion of the supervisor with consideration of (1) the wishes of the employee, and (2) the needs of the Department.

It is the employee's responsibility to ensure that he/she has a sufficient amount of leave accumulated to fully cover the requested time off. For example, if an employee requests 16 hours of vacation leave, the employee should first determine whether he/she has at

least 16 hours of accumulated vacation, administrative leave, compensatory time off, or holiday leave time. If the employee does not have sufficient accumulated paid leaves to cover the requested time off, (1) then he/she may need to reduce the original leave request, or (2) the employee may request an unpaid leave of absence for the portion of the leave that would be unpaid as outlined in Section 4 of this Rule. An employee who falls into an unpaid leave status without having been granted permission under Section 4 of this Rule may be disciplined for the inappropriate use of leave.

- B. Accrual: Regular and probationary employees who work full-time shall accrue vacation leave each pay period at the rates designated by the City. Regular and probationary employees who work part-time shall accumulate vacation leave at a rate proportionate to a full-time employee in the same class, according to the number of hours scheduled to work.

An employee who works less than his/her regularly scheduled hours in a pay period shall earn a pro-rated share of vacation based on the number of hours worked.

- SEC. 7. Jury Duty Leave: Every regular and probationary employee, both full-time and part-time, of the City who is called or required to serve as a trial juror, upon notification and appropriate verification submitted to his/her supervisor, shall be entitled to paid leave during the period of such service or while necessarily being present in court as a result of such call. The amount of paid leave shall be based on the number of regularly scheduled work hours for the employee during the period of required service. Employees must obtain a form from the court that certifies the times and dates served as jurors.

- SEC. 8. Sick Leave:

- A. Accrual: Regular and probationary employees who work full-time shall accrue sick leave each pay period at the rates specified by the City. Regular and probationary employees who work part-time shall accrue sick leave at a rate proportionate to a full-time employee in the same class, according to the number of hours scheduled to work.

An employee who works less than his/her regularly scheduled hours in a pay period shall earn a prorated



share of sick leave based on the number of hours worked.

- B. Usage: Sick leave may only be taken for absences from duty made necessary by:
1. Personal illness or physical incapacity caused by factors over which the employee has no reasonable or immediate control.
  2. Injury, either job or non-job related. When an injury is job-related, the employee shall be charged with sick leave usage only to the extent that their salary is not covered by Workers' Compensation.
  3. Medical, dental or eye examination or treatment for which appointment cannot be made outside of working hours.
  4. When the employee's presence is needed to attend to the illness or injury of a member of his/her immediate family.

Inability to work because of intemperance is not an authorized reason for sick leave.

- C. Verification: A supervisor or Director may require a doctor's verification for any period of absence when an employee has been absent due to illness or injury. The doctor's verification must include:
1. The employee's name.
  2. The name and address of the doctor.
  3. A statement by the physician that the employee is under the care of the physician and that the illness/injury prevents the employee from performing his/her duties.
  4. Statement of specific dates the doctor recommends the employee stays off work.
  5. Date(s) employee was seen or will be seen by the doctor.
  6. Verification must be signed (not signature stamped) by the physician.
- D. Sick Leave Incentive Program: Employees who have minimal sick leave usage during the calendar year or large balances of sick leave may be eligible to

participate in the Sick Leave Incentive Program as defined by the City.

- E. Unused Sick Leave: No employee shall be compensated for, or allowed to exhaust any accrued sick leave upon resignation, including retirement, termination, layoff, or death.

SEC. 9. Holidays: The City shall observe the holidays designated by the City Council by resolution or ordinance.

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

- A. Holiday Falling on a Regularly Scheduled Day Off: Any regular or probationary exempt or non-exempt employee whose regularly scheduled day off falls on a designated City holiday will accrue an additional floating holiday for that calendar year. Floating holidays accrued in January through October must be used prior to the end of the same calendar year. However, a floating holiday earned in November or December will be carried over to the next calendar year and must be used by June 30. Any employee who accrues, but does not use a floating holiday under these restrictions, will be compensated at the employee's current rate of pay in the first paycheck the employee receives after December 31 or June 30.
- B. Compensation for Work Performed on a Holiday: Any regular or probationary non-exempt employee who is requested by his/her supervisor to report to work on a designated City holiday will receive time and one half for the hours worked on the day the City observes the holiday. For example, if Independence Day is on a Saturday, and the City observes it on Friday, only employees required to work on Friday would be entitled to premium pay. Employees who work on Saturday will be entitled their regular pay.
- C. Amount of Holiday Pay: Full-time regular and probationary employees shall accrue the same number of hours that the employee would otherwise be regularly scheduled to work. Part-time regular and probationary employees shall accrue holiday hours in proportion to their assigned full-time equivalency.

- D. Unused Floating Holidays: No employee shall be compensated for, or allowed to exhaust any accrued floating holiday upon resignation, retirement, termination, layoff, or death.
- E. Holiday Pay During Leave of Absence: When a holiday occurs during an employee's approved leave of absence, the employee will receive full holiday pay only if the employee is in full pay status the working day immediately preceding the holiday. Unless otherwise required by law, if the employee is in less than full pay status on the working day immediately preceding the holiday, the employee's holiday pay will be prorated based on the number of hours paid during the pay period unless otherwise required by law.

SEC. 10. Administrative Leave:

- A. Eligibility: Certain full-time, exempt employees may be eligible to receive administrative leave each calendar year in recognition of work performed outside their normal full-time work schedule such as attending meetings, events, or being available to address problems or issues.

Part-time exempt employees whose regular work schedule is less than 40 hours per week are not eligible for Administrative Leave.

- B. Accrual Rate of Administrative Leave: Eligible exempt employees shall accrue Administrative Leave each pay period at the rate designated by the City up to a maximum of 80 hours per calendar year. Executive Team members accrue up to 96 hours per calendar year. Full-time exempt employees who are in pay status less than their regularly scheduled hours shall not accrue Administrative Leave during that pay period.

Administrative Leave may be accrued up to the maximum annual amount and be carried over into the next calendar year. Once the annual maximum is reached, no additional Administrative Leave will accrue until such time as the leave balance drops below the maximum.

- C. Separating from the City: Upon separation from the City, any unused Administrative Leave will be forfeited. Administrative Leave is not eligible for cash-out.

SEC. 11. Bereavement Leave: Paid Bereavement Leave may be granted by a Director at rates determined by the City for employee absence from duty as a result of a death in the employee's immediate family. The City may request documentation to verify eligibility for bereavement leave.

SEC. 12. Fitness for Duty Examination and Leave:

- A. Purpose/Policy: Employees are expected to report to work fit for duty, which means able to perform their job duties in a safe, appropriate, and effective manner, free from adverse effects of physical, mental, emotional, and/or personal problems. This Rule is intended to provide a safe environment and protect the health and welfare of employees and the public. If an employee feels that he/she is not fit to perform his/her duties, he/she must notify his/her supervisor immediately.
- B. Reasons for Fitness for Duty Leave: A fitness for duty examination may be ordered in any of the following situations:
1. An employee returns from a medical leave of absence of more than five working days.
  2. An employee is involved in the interactive process with the City under Rule III, Section 2.
  3. Supervisor observes or receives a reliable report of an employee's possible lack of fitness for duty. Observations and reports may be based on, but are not limited to, employee's own self-report of potential unfitness, dexterity, coordination, alertness, speech, vision acuity, concentration, response to criticism, interactions with the public, co-workers, and supervisors.
  4. Fitness for duty examinations based on a reasonable suspicion that an employee is under the influence of illegal drugs or alcohol shall be conducted in accordance with the City's Drug-Free Workplace Policy.
- C. Procedures for Ordering a Fitness for Duty Examination: When a supervisor becomes aware of or observes behavior that makes him/her reasonably suspect that the employee may not be fit for duty, the supervisor shall refer the employee to the Human Resources Manager who will determine whether a fitness for duty

examination is necessary and should be scheduled. If the circumstances warrant it, the Human Resources Manager, after conferring with the employee's Director, may place the employee on a paid or unpaid leave pending the results of the employee's fitness for duty examination. The examination shall be paid for by the City.

D. Procedure Following Receipt of Examination Results:

The doctor examining the employee shall be limited to finding the employee "fit for duty" or "fit for duty with restrictions" or "unfit for duty." In the case of finding an employee fit for duty, the doctor may issue work restrictions. In no case shall the doctor reveal the underlying cause of the fit or unfitness for duty without the employee's permission.

1. Fit for Duty: If the doctor finds the employee is fit for duty, the employee shall return to work immediately and perform all duties of his/her position.
2. Fit for Duty with Restrictions: If the doctor finds the employee is fit for duty with restrictions, the doctor shall specifically list what restrictions are necessary and for how long those restrictions are necessary. If the employee's restrictions are based on a disability as defined by the ADA and/or FEHA, the City shall engage in the interactive process as set forth in Rule III, Nondiscrimination, Section 2. The City shall then evaluate those restrictions and determine if the restrictions can be reasonably accommodated.
3. Unfit for Duty: If the employee is found to be unfit for duty, he/she shall not be permitted to work. He/She may request a leave of absence in accordance with the appropriate subsection of this Rule. If the employee can provide certification of fitness for duty prior to the exhaustion of all paid and unpaid leave that he/she is entitled to under these Personnel Rules, the employee shall be returned to work. However, if such certification is from the employee's own health care provider, the City may request a second opinion from a doctor of its choosing and at its cost to evaluate the employee under the requirements of this section. If the two certifications conflict, a third opinion will be sought from a doctor chosen by the City and the employee, at the

expense of the City. The opinion of fit or unfit rendered by the third doctor shall be binding. If the employee's restrictions are based on a disability as defined by the ADA and/or FEHA, the City shall engage in the interactive process as set forth in Rule III, Nondiscrimination, Section 2.

SEC. 13. Workers' Compensation Leave: The City will comply with all relevant laws when handling an employee's workers' compensation claim for an on-the-job injury or illness. Any questions about employees' rights under the California workers' compensation system can be directed to the Human Resources Division.

A. Treating Physician: The City will choose the employee's primary treating physician for the first 30 days after an injury is reported unless the employee has pre-designated a personal physician in accordance with this Rule. The employee must pre-designate, prior to the date of injury or illness, a medical doctor or osteopath who previously directed his/her medical treatment and who has the employee's medical records. The employee's designation must be in writing and must contain the following information:

1. Name of the physician;
2. Physician's address;
3. Physician's telephone and facsimile numbers;
4. Physician tax ID number; and
5. Physician's signature agreeing to provide medical services in accordance with California Workers' Compensation statutes and regulations.

The employee should sign and date the document and submit the completed form to the Human Resources Division. It is the employee's responsibility to keep this information current.

In the case of an emergency, the employee may not be able to immediately see his/her pre-designated physician.

B. Reporting Injuries: All injuries sustained in the course of employment shall be immediately reported by the injured employee to his/her immediate supervisor. If the immediate supervisor is not available, the injured

employee shall immediately notify one of the following persons in the order listed here: the employee's supervisor, Director, Human Resources, or the Personnel Officer or their designees. All accidents and injuries, no matter how minor, must be reported, and all required documentation completed within the time limits set forth in Workers' Compensation statutes and regulations.

C. Workers' Compensation Leave and Benefits:

Employees shall receive disability benefits according to *Labor Code* section 4650.

An employee who is required to be off work because of his/her workers' compensation injury or illness shall be designated as being on workers' compensation leave. Such workers' compensation leave shall be unpaid except as otherwise required by law. The employee is required to exhaust his/her paid leave banks, in coordination with any workers' compensation benefits he/she is receiving. The City will exhaust the employee's paid leaves in the following order, unless another order is more beneficial to the employee or the employee requests a different order within 14 days of the date of injury: sick leave, compensatory time off, holiday, administrative leave, and vacation. The combination of workers' compensation benefits and payments from the City can never exceed the employee's regular salary.

Unless otherwise required by law, if an employee falls into a City unpaid leave status, he/she will not accrue any employment benefits, including, but not limited to, the accrual of paid leaves, cafeteria contributions, and supplemental pay as set forth in Rule XV, Attendance and Leaves of Absence, Section 3.

An employee on workers' compensation leave may also qualify for leave under the FMLA/CFRA. The City will inform the employee if he/she qualifies under the FMLA/CFRA in accordance with City policy.

## **RULE XVI. REPORTS AND RECORDS**

SEC. 1. Personnel Records: The Personnel Officer shall maintain a confidential personnel record for each employee in the service of the City showing the name, title of position held, the department to which assigned, salary, changes in employment status, and other information as may be considered pertinent by the Personnel Officer.

Employees shall have the right to access their official personnel files at reasonable intervals. The employee shall not be permitted to remove items from his/her personnel files. However, the employee shall have the right to a copy of documents in his/her official personnel file. Employees wishing to access their personnel file should notify their Director or the Human Resources Division of their desire to access their personnel file, and the Human Resources Division will schedule a time for this viewing. A Human Resources representative shall be present during the employee's review of his/her personnel file.

Letters of reference and reports regarding ongoing investigations concerning the employee shall be excluded from the provisions of this Rule.

SEC. 2. Change of Status Report: Every appointment, transfer, promotion, demotion, change of salary rate or any other temporary or regular change in status of employees shall be reported to the Personnel Officer in such manner as he/she may prescribe.

SEC. 3. Current Address: Each employee is required to inform the City of his/her home street address, and to keep the City apprised of any changes to his/her home street address.

## **RULE XVII. GRIEVANCE PROCEDURES**

SEC. 1. Purpose of Grievance Procedure: The grievance procedure shall be used to resolve employee complaints regarding an alleged violation or interpretation of any memorandum of understanding ("MOU"), the City's Personnel Ordinance, or these Personnel Rules.

Specifically excluded from the grievance procedure are:

- A. Performance evaluations;
- B. Deferred merit salary increases;



- C. Verbal counseling;
- D. Any disciplinary action under Rules XI, Disciplinary Action, and XII, Disciplinary Appeal Procedures;
- E. Policy decisions of the City Council;
- F. Transfer to another position without a loss of pay; and
- G. Matters for which there is a separate appeal, including, but not limited to, disciplinary action.

SEC. 2. Informal Discussion of Grievance: When an employee has a complaint, the employee shall first informally discuss the matter with his/her immediate supervisor within 15 working days from the date of the incident or decision giving rise to the grievance. If, after discussion, the complaint has not been satisfactorily resolved, the employee shall have the right to file a formal grievance under Section 3. The grievance shall be considered resolved and no further review of the subject matter of the grievance shall be permitted under this Rule when the employee does not seek further review of the grievance within five working days from the date of the immediate supervisor's decision.

SEC. 3. Formal Grievance Procedure: The formal grievance procedure shall be used to resolve an employee's complaint not satisfactorily resolved by an informal discussion. All formal grievances shall be set forth on a form provided by the City, and the employee is required to provide all information requested on the grievance form, including, but not limited to, a statement of the event causing the grievance; the provision of the MOU, Personnel Rule, or Personnel Ordinance alleged to have been violated; the relief sought by the employee; and any potential witnesses. Failure to fully complete the grievance form may result in a delay in processing the grievance.

- A. Step One: The employee shall present the formal grievance to his/her Director within five working days from the date of the immediate supervisor's decision. Within ten working days of receiving the formal grievance, the Director shall schedule a meeting and discuss the grievance with the employee and, if elected by the employee, the employee's representative. Within ten working days after meeting with the employee, the Director shall render a written decision regarding the grievance. Failure of the Director to render a written decision on the grievance within ten working days after

meeting with the employee constitutes a denial of the grievance, and the employee may proceed to Step Two.

If the Director's decision does not satisfactorily resolve the complaint, the employee may present the formal written grievance to the Personnel Officer within five working days after receipt of the decision of the Director. The grievance shall be considered resolved and no further review of the subject matter of the grievance shall be permitted under this Rule when the employee does not seek further review of the grievance to the Personnel Officer within five working days after receipt of the decision of the Director.

- B. Step Two: The employee shall present the formal grievance to the Personnel Officer within five working days from the date of the Director's decision. Within 15 working days of receiving the formal grievance, the Personnel Officer shall schedule a meeting and discuss the grievance with the employee and, if elected by the employee, the employee's representative. Within 15 working days after meeting with the employee, the Personnel Officer shall render a written decision regarding the grievance. Failure of the Personnel Officer to render a written decision on the grievance within 15 working days after meeting with the employee constitutes a denial of the grievance. The decision of the Personnel Officer shall resolve the grievance, and no further review of the subject matter of the grievance shall be permitted within the City's administrative process.

SEC. 4. General Grievance Provisions:

- A. Non-Retaliation: The City shall not retaliate against any employee or any representative resulting from the good faith use of the grievance procedure.
- B. Extension of Time: The time limits set forth in this Rule may be altered by mutual agreement of the employee and the City.
- C. Representation: Employees are entitled to have a representative present during grievance proceedings.
- D. Preparation Time: Reasonable time off without loss of pay shall be given to an employee who has a grievance and to his/her representative in order to participate in the grievance hearings. However, employees and their

representatives shall not be entitled to prepare for grievance hearings while on duty.

## **RULE XVIII. PERFORMANCE EVALUATION PROCEDURE**

SEC. 1. Purpose of Performance Evaluation: The purpose of a performance evaluation is to evaluate an employee's work performance. The immediate supervisor shall be responsible for the evaluation of the work performance of an employee. The performance evaluation may be used to promote or train an employee or as a basis for disciplinary action. However, a performance evaluation is not disciplinary in nature. The supervisor shall use only job-related factors to evaluate an employee's work performance.

SEC. 2. Preparation of Performance Evaluation:

A. Probationary Employee Evaluations: During the probationary period, the probationary employee (including employees serving a probationary period due to promotion, transfer, demotion, or reassignment) must be evaluated after three, six, and twelve months of service. Evaluation after nine months is optional and left to the discretion of the supervisor. The supervisor shall make certain that the probationary employee or promotional appointee's 12-month evaluation is completed prior to the end of his/her probationary period, and the evaluating supervisor shall make one of the following recommendations:

1. Retention of the employee is not desired, and the employee shall be dismissed from his/her probationary period;
2. Retention of the employee is desired, and the employee shall become a regular employee; or
3. The employee's probationary period shall be extended.

When the supervisor recommends a probationary period be extended, he/she shall indicate the amount of time that the probationary period is to be extended, but in no event shall the supervisor extend the probationary period for more than six months (or 1,040 hours for part-time employees). This action must be approved by the appointing authority as well as by the Personnel Officer.

B. Regular Employee Evaluations:

1. Full-Time Regular Employees: Except as otherwise stated herein, every employee should be evaluated every 12 months. An employee may be evaluated more frequently at the discretion of the supervisor.
2. Part-Time Regular Employees: Employees who work less than 40 hours per week will be evaluated based on the number of hours of work completed. Supervisors are required to evaluate part-time employees according to the following schedule: three-month evaluation after completing 520 hours of work; six-month evaluation after completing 1,040 hours of work; nine-month evaluation (optional) after completing 1,560 hours of work; and a 12-month evaluation after completing 2,080 hours of work. An employee may be evaluated more frequently at the discretion of the supervisor.

- C. Non Appealable: Employees may attach a reasonable amount of rebuttal material to any evaluation. Evaluations are not subject to any form of appeal.

SEC. 3. Postponement of Performance Evaluation: An employee's performance evaluation due date shall be extended when the employee takes one or more leaves of absence totaling more than 14 days. The employee's performance evaluation due date shall be extended by the same period of time that the employee was absent.

SEC. 4. Change in Performance Evaluation Date: The date of the employee's performance evaluation may change multiple times during the employee's employment with the City. For example, any time an employee is appointed to a new classification, his/her annual performance evaluation will be revised to the date of appointment.

## **RULE XIX. SALARY PLAN**

SEC. 1. Step Increases: Each job classification shall be assigned to a five-step salary range which shall operate as follows:

- A. The first step will be granted on the employee's date of hire, unless otherwise determined by the appointing authority.

B. The second, third, fourth, and fifth steps may be granted to employees after 12 months (2,080 hours for part-time employees) of fully satisfactory service at the previous step upon the recommendation of the Director and the approval of the Personnel Officer.

SEC. 2. Granting of Step Increases: Salary step increases shall be granted for merit only. There shall be no appeal for the denial of a salary step increase.

SEC. 3. Salary Anniversary Date: An employee's salary anniversary date shall be the date the employee begins employment with the City in a regular position. When a change in classification occurs, the employee's salary anniversary date shall be changed to the date the new classification becomes effective. The employee's salary anniversary date shall also be changed if he/she receives an early merit increase.

The employee's salary anniversary date shall be the date that an employee's annual performance evaluation is due, as set forth in Rule XVIII, Performance Evaluation Procedure. The employee's salary anniversary date may be adjusted when he/she is absent from work in accordance with Rule XVIII, Performance Evaluation Procedure, Section 3.

## **RULE XX. OUTSIDE EMPLOYMENT AND OTHER EMPLOYEE OBLIGATIONS**

SEC. 1. Outside Employment, Enterprise, or Activity: In accordance with California *Government Code* Title 1, Division 4, Chapter 1, Article 4.7, no employees may engage in any outside employment, enterprise, or activity that is inconsistent, incompatible, in conflict with, or adverse to his/her employment, their ability to perform their duties and responsibilities, including performance of overtime work and emergency duties, or any other aspect of City operations. Employees are required to notify their Director in writing of all outside employment in which they are engaged, regardless of when that outside employment began, so that the City may assess whether such outside employment conflicts with the employee's City employment.

An employee's outside employment, enterprise, or activity will be prohibited when any of the following are present:

A. It involves the use for private gain or advantage of his/her City time, facilities, equipment and/or supplies; or

the badge, uniform, prestige, or influence of his/her City employment;

- B. It involves the receipt or acceptance by the employee of any money or other consideration from anyone other than the City for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of his/her City employment or as part of his/her duties as a City employee;
- C. It involves the performance of an act, in other than his/her capacity as a City employee, which may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other officer or employee of the City; or
- D. It involves the time demands as would render performance of his/her duties as a City employee less efficient.

When outside employment is reported to a Director, the Director shall, in consultation with the Human Resources Manager, review all pertinent details of the outside employment and determine whether the employee's outside employment conflicts with the performance of his/her duties. The Director shall advise the employee of his/her determination either verbally or in writing. An employee who is unsatisfied with the decision of the Director may appeal the decision to the Personnel Officer. An employee wishing to appeal the determination must file a written appeal to the Personnel Officer within ten days of receipt of the Director's decision. The Personnel Officer shall meet with the employee and determine whether the employee's outside employment conflicts with the performance of his/her duties. The Personnel Officer shall advise the employee and the Director of his/her determination in writing within 15 days of meeting with the employee. The Personnel Officer's decision shall be final with no other right of appeal.

- SEC. 2. Conduct During the Workday: During the workday, employees are expected to devote their full time in the performance of their assigned duties. Any approved outside work, part-time job, hobbies, or personal business must be performed during off duty hours. Off duty hours include unpaid lunch break periods, but do not include other rest or break periods during which the employee continues to receive pay.

- SEC. 3. Ethical Obligations: City employees have certain ethical obligations and are required to adhere to the City's ethical standards, as set forth in City policy.
- SEC. 4. Employees with Access to Confidential Information: In performing their duties, employees may have access to confidential information, including employees' personnel files and the personal or financial information of other City employees or persons who do business with the City. In addition, some City employees will be involved in communications with the City Attorney's Office, which can be protected by the attorney-client privilege. All employees are required to maintain the confidentiality of such information. Confidential information shall not be disclosed to any person outside the City of Santa Clarita without authorization by the Human Resources Manager in the case of personnel-related information, or by the City Clerk, in the case of all other information. Internal disclosure of such confidential information shall be made on a strict "need-to-know" basis, and if personnel-related information is involved, employees should contact Human Resources for guidance in advance of disclosing the information.

## **RULE XXI. VIOLENCE FREE WORKPLACE**

- SEC. 1. Objective: The City is strongly committed to ensuring the safety of all City employees. Consistent with this policy, acts or threats of violence, including intimidation, harassment, and/or coercion which involve or affect City employees will not be tolerated and will be subject to appropriate disciplinary action up to and including termination. The following are the objectives of the City:
- A. To assure all workplace threats and violent behavior are addressed promptly.
  - B. To assure the level of physical and facility security in City workplaces is sufficient to protect the health and safety of City employees.
  - C. To ensure that all disciplinary action taken for behavior prohibited under this Rule is reviewed, evaluated, and administered consistently and equitably throughout the City and done so in a timely manner.
- SEC. 2. Threats or Acts of Violence Defined: A credible threat of violence is a knowing and willful statement or course of

conduct that would place a reasonable person in fear for his/her safety, or the safety of his/her immediate family, and that serves no legitimate purpose. General examples of prohibited workplace violence include, but are not limited to, the following:

- A. Threatening to harm or harming an individual or his/her family, friends, associates, or their property.
- B. Fighting or challenging another individual to a fight.
- C. Intimidation through direct or veiled verbal threats, or through physical threats, such as obscene gestures, grabbing, and pushing.
- D. Making harassing or threatening telephone calls, sending harassing or threatening letters, emails, text messages, or other correspondence.
- E. Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of the City.
- F. Harassing surveillance or stalking, which is engaging in a pattern of conduct with the intent to follow, alarm, or harass another individual, which presents a credible threat to the individual and causes the individual to fear for his/her safety, or the safety of his/her immediate family, as defined in *Civil Code* section 1708.7.
- G. Making a suggestion or otherwise intimating that an act to injure persons or property is appropriate behavior.
- H. Possession of firearms (loaded or unloaded), weapons, or any other dangerous devices on City property. This includes “look-alike” weapons, such as toy guns. Weapons and dangerous devices may include, but are not limited to the following: blackjacks, slingshots, metal knuckles, explosive substances, dirks, daggers, gas- or spring-operated guns, knives, including folding knives having a blade that locks into place, razor blades, and clubs.
- I. Use of a personal or City-issued tool in a threatening manner toward another.

SEC. 3. Reporting Workplace Violence: Any employee who is the victim of a threat or act of violence, or any employee who witnesses such conduct, must immediately report the incident to his/her supervisor or other appropriate person in



the chain of command. Should the employee perceive that he/she is in immediate danger of a violent act, or has just been victimized by a violent act, or is a witness of a violent act, he/she shall whenever possible:

- A. Place themselves in a safe location.
- B. If appropriate, call the Police Department or 911.
- C. Inform a supervisor, Director, or the Human Resources Division of the circumstances.
- D. Complete a written report as soon as possible and submit the original to the Personnel Officer.
- E. Cooperate fully in any administrative or criminal investigation, which shall be conducted within existing policy and laws.

SEC. 4. Reporting Future Workplace Violence: Employees who have reason to believe they or any City employee may be the subject of a violent act in the workplace or as a result of their City employment, should immediately notify their supervisor, Director, or the Personnel Officer.

SEC. 5. Violation of Rule: The City's prohibition against threats and acts of violence applies to all persons in the City operation, including but not limited to City personnel, contract and temporary workers, customers, and anyone else on City property. Violations of this Rule by any individual may be followed by legal action as appropriate, which may include, seeking a temporary restraining order and/or injunction on behalf of City employees, if the situation warrants such action.

In addition to appropriate legal action, violations of this Rule by employees, including making a false report under this Rule, may lead to appropriate disciplinary action, up to and including termination.