

RESOLUTION NO. 87-13

PERSONNEL SYSTEM RULES

CITY OF ARVIN, CALIFORNIA

WHEREAS, the City Council is authorized and directed under the provisions of Ordinance No. 87-215 to adopt rules for the administration of the personnel system created in said ordinance; and

WHEREAS, the objectives of these rules are to facilitate efficient and economical services to the public and to provide for an equitable system of personnel management in the municipal government; and

WHEREAS, these rules set forth in detail those procedures which insure similar treatment for those who compete for original employment and promotion, and define many of the obligations, rights, privileges and prohibitions which are placed upon all employees in the competitive service of the City; and

WHEREAS, at the same time, within the limits of administrative feasibility, considerable latitude shall be given the City Manager and/or the designated Personnel Director in the interpretation of these rules; now, therefore be it

RESOLVED, that the City Council of the City of Arvin does hereby adopt the following rules:

RULE I. DEFINITION OF TERMS

The terms used in these rules shall have the meanings as defined below:

Sec. 1. "Advancement": A salary increase within the limits of a pay range established for a class.

Sec. 2. "Allocation": The assignment of a single position to its proper class in accordance with the duties performed, and the authority and responsibilities exercised.

Sec. 3. "Appointing Authority": The City Manager or other designated officers of the city who, in their individual capacities, or as a board or commission, have the final authority to make the appointment to the position to be filled.

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 election, transfer, demotion and salary.

Sec. 5. "Competitive Service": All positions of employment in the service of the city except those excluded by the personnel ordinance.

Sec. 6. "Days": Means calendar days unless otherwise stated.

Sec. 7. "Demotion": The movement of an employee from one class to another class having a lower maximum base rate of pay.

Sec. 8. "Disciplinary Action": The discharge, demotion, reduction in pay, or suspension of a regular employee for punitive reasons and not for any non-punitive reasons.

Sec. 9. "Eligible": A person whose name is on an employment list.

Sec. 10. "Employment List":

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

Sec. 11. "Examination":

- (a) Open-competitive examination: An examination for a particular class which is open to all persons meeting the qualifications for the class.
- (b) Promotional examination: An examination for a particular class which is open only to employees meeting the qualifications for the class.
- (c) Continuous examination: An open competitive examination which is administered periodically and as a result of which names are placed on an employment list, in order of final scores, for a period of not more than one year.

Sec. 12. "Lay-Off": The separation of employees from the active work force due to lack of work or funds, or to the abolition of positions by the city council for the above reasons or due to organization changes.

Sec. 13. "Personnel Ordinance": Ordinance No. 215 which creates a personnel system for the city.

Sec. 14. "Position": A group of duties and responsibility in the competitive service requiring the full-time or part-time employment of one person.

Sec. 15. "Probationary Period": A period to be considered an integral part of the examination, recruiting, testing and selection process during which an employee is required to demonstrate fitness for the position to which the employee is appointed by actual performance of the duties of the position.

Sec. 16. "Promotion": The movement of an employee from one class to another class having a higher maximum base rate of pay.

Sec. 17. "Provisional Appointment": An appointment of a person who possesses the minimum qualifications established for a particular class and who has been appointed to a position in that class in the absence of available eligibles. In no instance shall a provisional appointment exceed six months.

Sec. 18. "Regular Employee": An employee in the competitive service who has successfully completed the probationary period and has been retained as hereinafter provided in these rules.

Sec. 19. "Reinstatement": The restoration without examination of a former regular employee or probationary employee to a classification in which the employee formerly served as a regular non-probationary employee.

Sec. 20. "Relief of Duty": The temporary assignment of an employee to a status of leave with pay.

Sec. 21. "Suspension": The temporary separation from service of an employee without pay for disciplinary purposes.

Sec. 22. "Temporary Employee": An employee who is appointed to a non-regular position for a limited period of time.

Sec. 23. "Transfer": A change of an employee from one position to another position in the same class or in a comparable class.

RULE II. GENERAL PROVISIONS

Sec. 1. Fair Employment Practices: Any technique or procedure used in recruitment and selection of employees shall be designed to measure only the related qualifications of applicants. No recruitment or selection technique shall be used which, in the opinion of the City Manager or designated Personnel Director, is not justifiably linked to successful job performance.

RULE III. CLASSIFICATION

Sec. 1. Preparation of Plan: The City Manager, designated Personnel Director, 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 for such positions. The classification plan shall consist of classes of positions in the competitive service defined by class specifications, including the title. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same class, and that the same schedules of compensation may be made to apply with equity under similar working conditions to all positions in the same class.

Sec. 2. Adoption, Amendment and Revision of Plan: The classification plan shall be adopted by the City Manager and may be amended from time to time. During the process of consideration, any recognized employee organization affected shall be advised. Amendments and revisions of the plan may be suggested by any interested party, including any recognized employee organization, and shall be submitted to the City Manager.

Sec. 3. Allocation of Positions: Following the adoption of the classification plan and consultation with any recognized employee organization affected, the City Manager or designated Personnel Director 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 therefor and an appropriate employment list established for such position.

Sec. 5. Reclassification: Positions, the assigned duties of which have been materially changed by the city so as to necessitate reclassification, whether new or already created, shall be allocated by the City Manager or designated Personnel Director to a more appropriate class. Reclassifications shall not be used for the purpose of avoiding restrictions concerning demotions and promotions, nor to effect a change in salary in the absence of a significant change in assigned duties and responsibilities.

RULE IV. APPLICATION AND APPLICANTS

Sec. 1. Announcement: All examinations for classes in the competitive service shall be publicized by such methods as the City Manager or the designated Personnel Director deem appropriate. Special recruiting shall be conducted, if necessary, to insure that all segments of the community are aware of the forthcoming examinations. The announcements shall specify the title and pay of the class for which the examination is announced; the nature of the work of the class; the manner of making application; and other pertinent information.

Sec. 2. Application Forms: Applications shall be made as prescribed on the examination announcement. Application forms shall require information covering training, experience, and other pertinent information, and may include certificates of one or more examining physicians, references, and fingerprints. All applications must be signed by the person applying.

Sec. 3. Disqualification: The City Manager or designated Personnel Director may reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position. Applications may be rejected if the application indicates facts that show that the applicant is physically or psychologically unable to perform the job applied for, and no reasonable accommodation can be made for such disability; is addicted to the habitual excessive use of drugs or intoxicating liquor; has made any false statement of any material fact, or practiced any deception or fraud in an application. Whenever the application is rejected, notice of such rejection shall be mailed to the applicant by the City Manager or designated Personnel Director. Defective applications may be returned to the applicant with notice to amend the same, providing the time limit for receiving applications has not expired.

Sec. 4. Criminal Conduct - Ineligibility For Employment: Conviction, including pleas of guilty and nolo contendere, of a felony within seven (7) years of application for employment shall be prima facie disqualification of an applicant for employment; provided, however, that the appointing authority may disregard such conviction if it is found and determined by such appointing authority that mitigating circumstances exist. In making such determination, the appointing authority shall consider the following factors:

- (a) the classification, including sensitivity, to which the person is applying or being certified and whether the classification is unrelated to the conviction;
- (b) the nature and seriousness of the offense;
- (c) the circumstances surrounding the conviction;
- (d) the length of time elapsed since the conviction;

- (e) the age of the person at the time of conviction;
- (f) the presence or absence of rehabilitation or efforts at rehabilitation;
- (g) contributing social or environmental conditions.

An applicant who is disqualified for employment under this section may appeal the determination of disqualification. Such appeal shall be in writing and filed with the City Manager within ten (10) days of the date of the notice of disqualification. The City Manager shall hear and determine the appeal within ninety (90) days after it is filed. The determination of the City Manager on the appeal is final.

Notwithstanding the foregoing, an applicant for a peace officer position shall be automatically disqualified, without right of appeal, from employment if the applicant shall have been convicted of a felony, regardless of the length of time between such conviction and the application for employment.

RULE V. EXAMINATIONS

Sec. 1. Examination Process: The selection techniques used in the examination process shall be impartial and relate to those subjects which, in the opinion of the City Manager or designated Personnel Director, fairly measure the relative capacities of the persons examined to execute the duties and responsibilities of the class to which they seek to be appointed. Examinations shall consist of selection techniques which will fairly test the qualifications of candidates such as, but not necessarily limited to, achievement and aptitude tests, other written tests, personal interview, performance tests, physical agility tests, evaluation of daily work performance, work samples, medical tests, psychological tests, successful completion of prescribed training, or any combination of these or other tests. The probationary period shall be considered as a portion of the examination process. Examinations 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.

Sec. 2. Promotional Examinations: Promotional examinations may be conducted whenever, in the opinion of the City Manager or designated Personnel Director, the needs of the service require. Promotional examinations may include any of the selection 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 promotional examination announcements may compete in promotional examinations.

Sec. 3. Continuous Examination: Open-competitive examinations may be administered periodically for a single class as the needs of the service require. Names shall be placed on employment lists, and shall remain on such lists, as prescribed in Rule VI.

Sec. 4. Conduct of Examination: The City Manager, with the authorization of the City Council, may contract with any competent agency or individual for the preparing and/or administering of examinations. In the absence of such a contract, the City Manager or designated Personnel Director shall see that such duties are performed. The City Manager or designated Personnel Director shall arrange for the use of public buildings and equipment for the conduct of examinations.

Sec. 5. Notification of Examination Results and Review of Papers: Each candidate in an examination shall be given notice of the results thereof, and if successful, of the final earned score and/or rank on the employment list.

All candidates shall have the right to inspect their own test answer sheet within five working days after the notifications of examination results. Any error in computation, if called to the attention of the City Manager or designated Personnel Director within this period, shall be corrected. Such corrections shall not, however, require invalidation of appointments previously made.

RULE VI. EMPLOYMENT LISTS

Sec. 1. Employment Lists: As soon as possible after the completion of an examination, the City Manager or designated Personnel Director shall prepare and maintain an employment list consisting of the names of candidates who qualified in the examination.

Sec. 2. Duration of Lists: Employment lists other than those resulting from a continuous examination shall remain in effect until exhausted or abolished by the City Manager.

Open-competitive lists created as a result of continuous examinations shall remain in effect for not more than one year after the last administration of the examination, unless sooner exhausted or abolished. Names placed on such lists may be merged with any others already on the list.

Sec. 3. Removal of Names From List: The name of any person appearing on an employment, re-employment or promotional list shall be removed by the City Manager or designated Personnel Director if the eligible requests in writing that the name be removed or if the eligible fails to respond to a notice of certification mailed to the last designated address. The person affected shall be notified of the removal of the name by a notice mailed to the last known address. The names of persons on promotional employment lists who resign from the service shall automatically be dropped from such lists.

RULE VII. METHOD OF FILLING VACANCIES

Sec. 1. Types of Appointment: All vacancies in the competitive service shall be filled by transfer, demotion, re-employment, reinstatement, or from eligibles certified by the City Manager or designated Personnel Director from an appropriate employment list, if available. In the absence of persons eligible for appointment in these ways, provisional appointments may be made in accordance with these personnel rules.

Sec. 2. Notice of Vacancy: If a vacancy in the competitive service is to be filled, the appointing power shall notify the City Manager or designated Personnel Director in the manner prescribed. If there is no re-employment list available for the class, the appointing power shall have the right to decide whether to fill the vacancy by reinstatement, transfer, demotion, appointment from a promotional employment list, or appointment from an open employment list.

Sec. 3. Certification of Eligibles: If the appointing power 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 re-employment, certification shall be made from an appropriate employment list, provided eligibles are available.

When the appointing power requests a vacancy be filled by appointment from a promotion employment list or from an open employment list, the City Manager or designated Personnel Director should certify from the specified list the names of all individuals willing to accept appointment. Whenever there are fewer than three names of individuals willing to accept appointment on a promotional employment list or on an open employment list, the appointing power may make an appointment from among such eligibles or may request the City Manager or designated Personnel Director to establish a new list. When so requested, the City Manager or designated Personnel Director shall hold a new examination and establish a new employment list.

Sec. 4. Appointment: After interview and investigation, the appointing power shall make appointments from among those certified, and shall immediately notify the City Manager or designated Personnel Director of the persons appointed. The person accepting appointment shall report to the City Manager or designated Personnel Director or other designated representative, for processing on or before the date of appointment. If the applicant accepts the appointment and reports for duty within such period of time as the appointing authority shall prescribe, the applicant shall be deemed to be appointed; otherwise, the applicant shall be deemed to have 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 person meeting the minimum training and experience qualifications for the position. Such appointment may be made during the period of suspension of an employee or pending final action on proceedings to review suspension, demotion or discharge of an employee, and such vacancy may be filled by the appointing authority subject to the provisions of this ordinance and the personnel rules. A provisional employee may be removed at any time without the right of appeal or hearing. No provisional appointment shall exceed six months.

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 be counted as time toward the fulfillment of the required probationary period.

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

RULE VIII. PROBATIONARY PERIOD

Sec. 1. Regular Appointment Following Probationary Period: All original and promotional appointments shall be tentative and subject to a probationary period of not less than six (6) months, actual probationary service period to be determined for each class by the City Manager. The appointing authority may extend such probationary period up to six additional months. The City Manager or designated Personnel Director shall notify the appointing authority and the probationer concerned two weeks prior to the termination of any probationary period. If the service of the probationary employee has been satisfactory to the appointing authority, then the appointing authority shall file with the City Manager or designated Personnel Director a statement in writing to such effect and stating that the retention of such employee in the service is desired. If such a statement is not filed, the employee will be deemed unsatisfactory and his employment terminated at the expiration of the probationary period. Where a statement of satisfactory service has not been filed, notice of the termination shall be served upon the terminated employee by the City Manager or designated Personnel Director after the expiration of the selection period.

Sec. 2. Objective of Probationary Period: The probationary period shall be regarded as a part of the selection process and shall be utilized for closely observing the employee's work and for securing the most effective adjustment of a new employee to his position.

Sec. 3. Rejection of Probationer: During the probationary period, an employee may be rejected at any time by the appointing power without cause and without the right of appeal. Notification of rejection by the appointing authority shall be served on the probationer.

Sec. 4. Rejection Following Promotion: Any employee rejected during the probationary period following a promotional appointment, or at the conclusion of the probationary period by reason of failure of the appointing power to file a statement that the employee's services have been satisfactory shall be reinstated to the position from which the employee was promoted unless charges are filed and the employee is discharged in the manner provided in the Personnel Ordinance and these rules for positions in the competitive service. If there is no vacancy in such position, the employee may request to be placed on a re-employment list.

RULE IX. TRANSFER, PROMOTION, DEMOTION, SUSPENSION 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 City Manager or designated Personnel Director, an employee may be transferred by the appointing power or designee at any time from one position to another position in a comparable class. For transfer purposes, a comparable class is one with the same maximum salary, 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 department heads must consent thereto unless the City Manager orders the transfer. Transfer shall not be used to effect a promotion, demotion, advancement, or reduction, each of which may be accomplished only as provided in the Personnel Ordinance or these Rules.

Sec. 2. Promotion: Insofar as consistent with the best interests of the service, all vacancies in the competitive service shall be filled by promotion from within the competitive service, after a promotional examination has been given and a promotional list established.

If, in the opinion of the City Manager or the designated Personnel Director, it is in the best interests of the municipal service, a vacancy in the position may be filled by an open-competitive examination instead of promotional examination, in which event the City Manager or designated Personnel Director shall arrange for an open-competitive examination and for the preparation and certification of an open-competitive employment list.

Sec. 3. Demotion: The appointing power may demote an employee whose ability to perform the required duties falls below standard, or for disciplinary purposes. Upon request of the employee, and with the consent of the appointing power, demotion may be made to a vacant position. No employee shall be demoted to a position for which the employee does not possess the minimum qualifications. Disciplinary demotion action shall be in accordance with Rule X hereof.

Sec. 4. Suspension: The appointing power may suspend an employee from a position at any time for a disciplinary purpose. Suspension without pay shall not exceed thirty calendar days, nor shall any employee be penalized by suspension for more than thirty calendar days in any fiscal year. Department heads may suspend a subordinate employee for not more than three working days at any one time, and not more than once in a period of thirty calendar days, except as provided for in the "Supervisor's Guide to Disciplinary Procedures" contained in Policy Statement No. 100-11. Intended suspension action shall be reported immediately to the City Manager or designated Personnel Director, and shall be taken in accordance with Rule X hereof.

Sec. 5. Reinstatement: With the approval of the appointing power, 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 two years of the effective date of resignation, to a vacant position in

the same or comparable class. Upon reinstatement, the employee shall be subject to the probationary period described for the class. No credit for former employment shall be granted in computing salary, vacation, sick leave, or other benefits except on the specific recommendation of the appointing authority at the time of reinstatement.

RULE X. DISCIPLINARY ACTION

Sec. 1. Policy: Prior to the suspension, demotion, reduction in pay, or discharge of a regular employee for disciplinary purposes, the procedure set forth in this Rule and the Policy Statement entitled "Supervisor's Guide to Disciplinary Action" shall be complied with.

Sec. 2. Written Notice: Written notice of the proposed disciplinary action shall be given to the employee. Such notice shall include a statement of the reason(s) for the proposed action and the charge(s) being considered.

Sec. 3. Employee Review: The employee shall be given an opportunity to review the documents or materials upon which the proposed disciplinary action is based, and, if practicable, the employee shall be supplied with a copy of the documents.

Sec. 4. Employee Response: In all cases of proposed disciplinary action other than Short Term Suspension, and within five (5) working days after the employee has had the review opportunity provided above, the employee shall have the right to respond, orally or in writing, at the employee's option, to the appointing authority concerning the proposed action.

Sec. 5. Relief of Duty: Notwithstanding the provisions of this Rule, upon the recommendation of the department head or the designated Personnel Director, the City Manager may approve the temporary assignment of an employee to a status of leave with pay pending conduct or completion of such investigations or opportunity to respond as may be required to determine if disciplinary action is to be taken.

Sec. 6. Appeal: Regular employees may appeal disciplinary actions to an administrative hearing before the City Manager by filing a written request with the City Manager within five (5) days of the imposition of the action.

Further appeal may be made by a regular employee to the City Council by filing a written request for such appeal with the City Clerk within five (5) days of the findings of the administrative hearing held by the City Manager.

RULE XI. LAYOFF POLICY AND PROCEDURE

Sec. 1. Statement of Intent: Whenever, in the judgment of the City Manager, 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 fourteen (14) calendar days prior notice.

Sec. 4. Employee Rights: An employee affected by layoff shall have the right to displace an employee in the same department who has less seniority in a lower class in the same class series or in a lower classification in which the affected employee once had permanent status. For the purpose of this section and Section 5, seniority includes all periods of full-time service at or above the classification level where layoff is to occur.

Sec. 5. Seniority: In order to retreat to a former or lower class, 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 City Manager or designated Personnel Director within five (5) working days of receipt of notice of layoff.

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.

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. Employment Status: 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 appointing authority.

In cases where there are two or more permanent employees in the class from which the layoff is to be made, such employees shall be laid off on the basis of the last evaluation rating in the class, providing such rating has been on file at least thirty (30) days and no more than twelve (12) months prior to layoff as follows:

First, all employees having ratings of "improvement needed;" Second, all employees having ratings of "competent;" Third, all employees having ratings of "satisfactory;" Fourth, all employees having ratings of "outstanding."

Employees within each category shall be laid off in inverse order of seniority in City service.

Sec. 7. Re-employment List: The names of persons laid off or demoted in accordance with these 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 appointing authority when a vacancy arises in the same or lower class of position before certification is made from an eligible list.

Sec. 8. Duration of Re-employment List: Names of persons laid off shall be carried on a reemployment list for one year, except that persons appointed to permanent 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 positions for the one year.

RULE XII. SEPARATION FROM THE SERVICE

Sec. 1. Discharge: An employee in the competitive service may be discharged at any time by the appointing power. Whenever it is the intention of the appointing power to discharge an employee in the competitive service, the City Manager or designated Personnel Director shall be notified. Disciplinary discharge action shall be taken in accordance with Rule X.

Sec. 2. Resignation: An employee wishing to leave the competitive service in good standing shall file with the appointing authority a written resignation stating the effective date and reasons for leaving at least two weeks before leaving the service, unless such time limit is waived by the appointing authority. A statement as to the resigned employee's service performance and other pertinent information shall be forwarded to the City Manager or designated Personnel Director. Failure to give notice as required by this rule shall be cause for denying further employment by the City.

RULE XIII. ADMINISTRATIVE LEAVES, REPORTS AND RECORDS

Sec. 1. Attendance: Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays and leaves. All departments shall keep daily attendance records of employees which shall be reported to the City Manager or designated Personnel Director in the form and on the dates he shall specify. Failure on the part of an employee, absent without leave, to return to duty within 24 hours after notice to return shall be cause for immediate discharge, and such employee automatically waives all rights under the personnel ordinance and these rules. The depositing in the United States mail of a first class letter, postage paid, addressed to the employee's last known place of residence shall be reasonable notice.

Sec. 2. Military Leave: Military leave shall be granted in accordance with the provisions of state law. All employees entitled to military leave shall give the appointing power an opportunity within the limits of military regulations to determine when such leave shall be taken.

Sec. 3. Leave of Absence Without Pay: The City Manager, in his unrestricted discretion, may grant a regular or probationary employee leave of absence without pay or seniority for a period not to exceed three months. After three months, the leave of absence may be extended if so authorized. No such leave shall be granted except upon written request of the employee, setting forth the reason for the request, and the approval will be in writing. Upon expiration of a regularly approved leave or within a reasonable period of time after notice to return to duty, the employee shall be reinstated in the position held at the time leave was granted. Failure on the part of an employee on leave to report promptly at its expiration, or within a reasonable time after notice to return to duty, shall be deemed to be discharged. The depositing in the United States mail of a first class letter, postage paid, addressed to the employee's last known place of residence, shall be reasonable notice.

Department heads may grant a regular or probationary employee leave of absence without pay for a period not to exceed one calendar week. Such leaves shall be reported to the City Manager, or designated Personnel Director, in writing.

Sec. 4. Jury Duty: Every classified employee 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 be absent from his/her duties with the city during the period of such service or while necessarily being present in court as a result of such call. The employee's normal pay shall be lowered by the amount of pay received for jury duty.

Sec. 5. Personnel Records: The City Manager or designated Personal Director shall maintain a service or 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 such other information as may be considered pertinent.

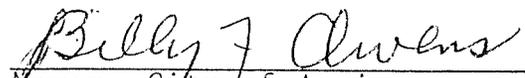
Sec. 6. Change-of-Status Report: Every appointment, transfer, promotion, demotion, change of salary rate, or any other temporary or permanent change in status of employees shall be reported to the City Manager or designated Personnel Director in such manner as may be prescribed.

RULE XIV. VIOLATIONS

Sec. 1. Violation of Rules: Violations of the provisions of these rules shall be grounds for rejection, suspension, demotion, dismissal, or other disciplinary action.

PASSED, APPROVED AND ADOPTED THIS 8th day of June, 1987, by the following vote.

AYES: 5 (Mayor Owens, Councilmen Burkett, Giese, Lopez, Moody)
NOES: 0
ABSENT: 0
ABSTAIN: 0



Mayor, City of Arvin

ATTEST:



City Clerk, City of Arvin

CITY OF ARVIN

PERSONNEL RULES AND REGULATIONS

PURPOSE.....1

CLASSIFICATION.....1

PROBATIONARY PERIOD...✓.....2

APPLICATIONS AND APPLICANTS.....3

METHOD OF FILING VACANCIES...✓.....3

WORK WEEK...✓.....4

ATTENDANCE...✓.....4

SALARY GUIDE.....4

ADMINISTRATION OF PAY PLAN.....4

COMPENSATION.....6

COMPENSATORY TIME...J.....6

PAY ADJUSTMENTS AND OVERTIME.....7

UNIFORMS...✓.....8

SICK LEAVE.....8

PREGNANCY LEAVE.....9

INDUSTRIAL ACCIDENT LEAVE.....10

PERSONAL NECESSITY LEAVE.....10

JURY DUTY LEAVE.....10

MILITARY LEAVE.....10

VACATION LEAVE.....11

LEAVE OF ABSENCE WITHOUT PAY.....11

| | |
|--|----|
| HOLIDAYS..... | 12 |
| EMPLOYEE BENEFITS..... | 12 |
| MILEAGE..... | 13 |
| DEPARTMENT HEADS..... | 13 |
| NON UNION EMPLOYEES..... | 13 |
| EVALUATIONS..... | 14 |
| GRIEVANCE PROCEDURE..... | 14 |
| DISCIPLINARY ACTION..... | 16 |
| LAYOFF POLICY AND PROCEDURES..... | 20 |
| SALARY SCHEDULE PLACEMENT (MISCELLANEOUS EMPLOYEES)..... | 21 |
| SALARY SCHEDULE (MISCELLANEOUS EMPLOYEES)..... | 22 |
| SALARY SCHEDULE PLACEMENT (A.P.O.A. MEMBERS)..... | 23 |
| SALARY SCHEDULE (A.P.O.A. MEMBERS)..... | 24 |

CITY OF ARVIN

PERSONNEL RULES AND REGULATIONS

PURPOSE. The purpose of these rules and Regulations is to establish specific procedures and regulations governing the personnel system of the City of Arvin and to implement the provisions of Chapter 2.36 SECTION .020 Of the Arvin Municipal Code.

ARTICLE I - CLASSIFICATION

1. The City Manager shall ascertain and record the duties and responsibilities of all positions in the City service. The classification plan shall consist of classes for positions in the City service defined by Class specifications, including title, a description of typical duties and responsibilities of positions in each class, a statement of the training, experience and other qualifications to be required of applicants for positions in each class. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority and character of work are included within the same class, and that the same schedules of compensation may be made to apply with equity under like working conditions to all positions in the same class. In the preparation of the classification plan, every position in the City service shall be allocated to one of the classes established by the plan.
2. Before the classification plan or any part thereof shall become effective, it shall first be approved in part or in whole by the City Council. Upon adoption by the Council, by resolution, the provisions of the classification plan shall be observed in the handling of all personnel actions and activities. The classification plan shall be amended or revised as occasion requires in the same manner as originally established.
3. When a new position is created, before the same may be filled, the Council shall be notified and no person shall be appointed or employed to fill any such position until the classification plan shall have been amended to provide therefore, and an appropriate employment list has been established for such position.

4. Positions, the duties of which have changed so materially so as to necessitate reclassification, shall be allocated to a more appropriate class, whether new or already created, in the same manner as originally classified and allocated. Reclassification shall not be used for the purpose of avoiding restrictions surrounding demotions and promotions. Provided, however, the City Council may fill a newly created position by promotion in the City service without the taking of applications therefor, employment list, announcements, or methods of filling positions other than provided in this section.

PROBATIONARY PERIOD

1. All original appointments of all employees shall be tentative and subject to a probationary period, except as otherwise provided under collective bargaining agreement, of not less than one (1) year. Promotional appointments of all employees shall be tentative and subject to a probationary period of not less than six (6) months actual service, except that the City Council may extend the period for not more than an additional six (6) months.
2. The City Clerk shall notify the appointing authority and the probationer concerned two weeks prior to the termination of any probationary period. If the service of the probationary employee has been satisfactory to his immediate supervisor, then his immediate supervisor shall file with the City Clerk a statement, in writing, to such effect and stating that the retention of such employee will be deemed desirable. If such a statement is not filed, the employee will be deemed to be unsatisfactory and his employment terminated at the expiration of the probationary period. The provisions of this paragraph shall not apply to any employee who has no immediate supervisor other than the City Council.
3. The probationary period shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to his position, and for the rejecting of any probationary employee whose performance does not meet the required standards of work.
4. During the probationary period, an employee may be rejected at any time by the City Council without cause and without the right of appeal. Such discharged employee shall be entitled to pay up to the time he has been notified of rejection. Notification of rejection, in writing, shall be served upon the probationary employee and a copy filed with the City Clerk. Provided, however, that any employee rejected during the probationary period following a promotional appointment shall be reinstated to the position from which he was promoted unless charges are filed and he is discharged in the manner provided in these rules.

ARTICLE II - APPLICATIONS AND APPLICANTS

1. Applications for City employment shall be made at the City Hall on forms provided by the City Clerk. Such forms shall require information concerning training, experience, reference and other pertinent information. All applications must be signed by the person applying.
2. The City Manager shall reject any application which indicates on its face that the applicant does not possess the minimum qualifications for the position. Applications shall also be rejected if the applicant is physically unfit for the performance of duties of the position to which he seeks appointment, is addicted to the habitual excessive use of drugs or intoxicating liquor; has been convicted of a crime involving moral turpitude; has made any false statement of material fact, or practiced any deception or fraud in his application.
3. Applications for employment by the City may be made at any time. Provided, however, that whenever an announcement is made that applications are being taken for a specific class, no application made after the announced closing date for receiving such application will be considered. The announcement shall specify the title and pay range of the class for which applicants are sought; the nature of the work to be performed; the date, time, place, and manner of making application; closing date for receiving applications; and other pertinent information.

METHOD OF FILLING VACANCIES

1. All vacancies in the City service shall be filled by reemployment, transfer, demotion, promotion, or from new applicants.
2. Appointments shall be made by the City Council upon recommendation of the appropriate supervising city officer or employee under whom the appointee will work. If the vacancy occurs in a position which is supervisory, appointments shall be made directly by the City Council.
3. The provisions of Section 2 shall not apply to the class of day laborer or relief refuse collectors. Day laborers may be employed only when prior approval has been given by the Council to the particular project or projects on which the labor is needed. However, such labor may be hired on a hourly basis on approved City projects by the Public Works Director until the next Council meeting and continuing thereafter on approval by the City Council. Relief Refuse Collectors may be hired by the Public Works Director as needed for emergency, vacation or sick relief on the refuse truck; said relief man to be paid on the basis of Step A of the Pay Plan for Refuse Collector.

4. To meet the immediate requirements of an emergency condition, such as extra-ordinary fire, flood or earthquake, which threatens public life or property, any legally competent officer or employee may employ such persons as may be needed for the duration of the emergency without regard to the personnel rules and regulations affecting appointments. As soon as possible such appointments shall be reported to the Council.
5. The Police Chief may, in situations which he considers to be an emergency, hire additional patrolmen for a period not to exceed three months at the base pay for patrolmen, without City Council approval.

ARTICLE III - HOURS

WORKWEEK

1. Employees shall be on duty as assigned by the City. The length of the work day for full-time employees shall be eight (8) hours. The work week shall consist of five (5) consecutive days or forty (40) hours for full-time employees. Part-time employees shall serve less than a total of eight (8) hours per day and forty (40) hours per week.

ATTENDANCE

1. Employees shall be required to work on schedules as set forth by the Department Head. Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays, and leaves. Failure on the part of an employee, absent without leave, to return to duty within 24 hours after notice to return shall constitute cause for immediate discharge and such employee automatically waives all rights under the personnel rules and regulations.

ARTICLE IV - SALARY GUIDES

ADMINISTRATION OF THE PAY PLAN

1. The six steps of each salary range shall be interpreted and applied as follows:

Step A - is the minimum rate and shall normally be the hiring rate for the position. In cases where it is difficult to secure qualified personnel, or if a person of unusual qualifications is engaged, the City Council may hire at any step as provided in Section 6 of ADMINISTRATION OF THE PAY PLAN.

Step B - is an incentive advance to encourage an employee to improve his work. Employees may advance to the second step after the completion of six months actual and continuous service upon the approval of the City Council.

Step C - Represents the middle value of the salary range and is the rate at which a fully qualified, experience and ordinarily conscientious employee may expect to be paid after a reasonable period of satisfactory service. An employee may be advanced to the third step after the completion of six months of actual and continuous service at the second step, upon approval of the City Council.

Step D - is for the employee whose work is above standard for his class. An employee may be advanced to the fourth step after completion of one year of actual and continuous service at the third step and upon approval of the City Council.

Step E - is for employees who work consistently above standard service. An employee may be advanced to the fifth step after completion of one year of actual and continuous service at the fourth step, upon approval of the City Council.

Step F - is for employees who work consistently above standard service. An employee may be advanced to the sixth step after completion of one year of actual and continuous service at the fifth step, upon approval of the City Council.

3. For the purpose of determining eligibility for step advancements, employees shall have their anniversary dates calculated from the first day of the pay period on or immediately following the date of employment, promotion, reclassification, or the date of their last step advance, whichever is the later; except if an employee commences work on the first working day of the pay period then that shall be the anniversary date. Consideration of step advancement shall be made by the City Council at a meeting held prior to the anniversary date as herein provided, except in those cases in which the Council meeting falls on the anniversary date, in which case said consideration shall be given at the Council meeting.
4. The Council may reduce an employee from any step of the Salary Range, other than the first step, to an appropriate lower step of the same range upon the failure of the employee to maintain a standard of work set forth for the step of the salary range upon which the employee has been placed. In such event, the employee may again be raised by the City Council at any time to any step not higher than that from which he was reduced without any time requirement. In the event of such reduction in salary, the employee may demand a hearing as provided in the personnel rules and regulations the same as if he had been discharged.

5. An employee who is either promoted or reclassified to a position having a higher salary range shall be placed upon such step of the new range as to receive the nearest higher monthly salary range, he shall be placed on such step of the new range so as to receive the same salary he was receiving under the old range, except that under no circumstances shall the employee be paid above the top step of the new salary range, he shall be placed on such step of the new range so as to receive the same salary he was receiving under the old range, except that under no circumstances shall the employee be paid above the top step of the new salary range. When a salary range is amended upward, any employee in such range shall be placed upon such step of the amended range as will entitle him to receive the nearest higher monthly salary to that which he was earning when the amended range became effective, and his anniversary date for step advancement shall not change.
6. In any case where by reason of unusual circumstances rigid adherence to the foregoing principles relating to salary adjustments or appointments would be detrimental to the best interests of the City, the City Council may make such order relating thereto as in its discretion is proper.
7. Employees shall be paid bi-weekly starting April 15, 1986. The pay period will be from Tuesday through Monday. The first check will be issued on May 2, 1986, and every other Friday thereafter.

COMPENSATION

1. The City Manager shall prepare a pay plan for each class of position in the City service, showing the minimum and maximum rates of pay. In arriving at such salary ranges, consideration shall be given to prevailing rates of pay for comparable work in other public and private employment, including consideration of conditions of work as well as basic pay, current costs of living, and to the City's financial condition and policies.
2. The City Manager shall submit the proposed pay plan to the City Council. The City Council shall adopt or amend and adopt the proposed plan. Thereafter, no position shall be assigned a salary higher than the maximum or lower than the minimum salary provided for that class of position unless the salary schedule for the class is amended in the same manner as herein provided for its adoption.

COMPENSATORY TIME

1. Whenever an employee is authorized to work overtime pursuant to Section 3 of PAY ADJUSTMENTS AND OVERTIME, the employee may designate any or all of such overtime as compensatory time off time. Such designation must be in writing, dated and signed by the employee and given to the employee's supervisor or the City Clerk prior to the time the work is to be performed. Once such designation is made it cannot be changed.

2. All compensatory time off must have employee's supervisor approval prior to taking the time off.
3. An employee may not accumulate more than 80 hours of compensatory time off time.

PAY ADJUSTMENTS AND OVERTIME

1. Employees occupying a position in the City service shall be paid a salary or wage within the range established for that position's class under the pay plan as provided under compensation. The minimum rate for the class shall apply to employees upon original appointment to the position. Employees re-employed after layoff shall receive a rate within the range established for the class and agreed upon by the City Council and the employee concerned. The minimum rate for the class shall not apply to employees upon original appointment who are appointed to a higher class pursuant to any pay plan resolution of the City Council.
2. No salary advancement shall be made so as to exceed the maximum rate established in the pay plan for the class in which the advanced employee's position is allocated. Advancements shall not be automatic, but shall depend upon increased service value of an employee to the City as exemplified by recommendation of his supervising official, length of service, performance record, special training undertaken, or other pertinent evidence. No advancement in salary shall be made to a temporary employee or until an employee has completed six (6) months of the one (1) year probationary period, upon recommendation of their immediate supervisor, and upon approval of the City Council.
3. All overtime must be approved by employee's supervisor prior to overtime being worked, if not approved may be deemed invalid. Overtime shall be paid at the employee's 1 1/2 times regular rate of pay when an employee is authorized and designated to work as provided below:
 - a. More than eight (8) hours in one work day;
 - b. More than forty (40) hours in a work week.

or compensatory time off in lieu of cash compensation may be granted as provided for in the section entitled COMPENSATORY TIME.

4. In case of manpower shortages of Police Officers in the Police Department, the Chief of Police may, at his option, until the next Council meeting and a continuing thereafter on approval by the City Council, hire a temporary Police Officer from the Police Reserves at the lowest base for Police Officers, or may allow officers of the Police Department to work extra hours and be reimbursed at an hourly rate computed on the basis of the existing monthly rate for said

officers. In case of manpower shortages of Police Radio Dispatchers, the Chief of Police may, at his option, until the next Council meeting and continuing thereafter on approval by the City Council, hire any person as a temporary Police radio Dispatcher at an hourly compensation computed on the basis of Salary Step A of the range for Police radio Dispatchers, or may allow any person then employed by the City as a Police Radio Dispatcher to work extra hours and be reimbursed at an hourly compensation computed on the basis of the existing monthly rate for said Radio Dispatcher. If a Police Officer is required to work as a Radio Dispatcher, he will be reimbursed at an hourly compensation computed on the basis of his existing monthly salary. If a Police Officer or Radio Dispatcher is served a subpoena to appear in court in the course of his employment and must appear on his regular time off, he shall be reimbursed for two (2) hours at an hourly compensation computed on the basis of his existing monthly salary. If a trial that has been scheduled is cancelled by 5 p.m., on the previous day, no compensation shall be paid.

UNIFORM

1. Full time Police Officers shall receive a uniform allowance of \$500.00 (which includes the \$450.00 presently paid to entry level officers) said allowance to be paid at the end of each fiscal year of paid service, except as otherwise provided under collective bargaining agreement.
2. Full time Police Radio Dispatchers shall receive a uniform allowance of \$240.00 said allowance to be paid at the end of each fiscal year of paid service, except as otherwise provided under collective bargaining agreement.
3. Animal Control Officer shall receive a uniform allowance in the amount of \$15.00 per month, said allowance to be paid at the end of each fiscal year of paid service.

ARTICLE V - LEAVES

SICK LEAVE

1. Every full time employee shall be entitled to twelve (12) days of sick leave each year of employment on the basis of one (1) day per each month of employment at the employee's daily rate of pay. Sick leave may be accumulated up to a maximum of 100 days, accumulation will stop upon reaching 100 days, and shall commence when level is below 100 days. Employees working less than forty (40) hours per week shall be granted sick leave on a pro-rata basis depending on the number of hours worked relates to 40.
2. At the beginning of each fiscal year, the full amount of sick leave granted shall be credited to each employee. However, a new employee to the City shall not be eligible to use more than six (6) days until the first day of the calendar month after completion of six months active service with the City.

3. If an employee terminates his employment with the City of Arvin and has taken more sick leave than he was entitled to, computations will be made on the excess leave taken and deducted from his final pay check.
4. Employees absent due to illness or injury must follow procedures established by their immediate supervisor to notify their department of intent to be absent, but not later than one hour prior to the start of the work shift in order to be eligible for paid illness or injury leave.
5. Employees absent due to surgery, serious illness or absent for more than three (3) consecutive assigned work days shall be required to submit a medical release to their immediate supervisor prior to being permitted to return to work.
6. Compensation or unemployment insurance paid to an employee for periods he is on sick leave shall be paid over to the City, or withheld from his earnings.

PREGNANCY LEAVE

1. Every female employee shall be entitled to use accumulated sick leave for the period of time she is required to be absent by reason of physical incapacity due to pregnancy or childbirth or conditions related thereto.
2. The period of leave, including the date upon which the leave shall begin, shall be determined by the employee and her doctor. A statement from the employee's doctor shall be filed with the City Clerk. This date shall be based upon the employee's ability to render service in her current position.
3. The date of the employee's return to service shall be based upon her doctor's analysis and written statement of the employee's physical ability to render service.
4. In the event an employee desires a leave of absence for preparation for the birth of a child or for continued child care after birth, she may apply for a maternity leave by submitting a written request to the City Council. Such leave shall be granted at the discretion of the Council and shall be considered as unrelated to the possible disability of the employee. Leave for this purpose shall be granted without pay.

INDUSTRIAL ACCIDENT LEAVE

1. In addition to any other benefits that an employee may be entitled to under the Worker's Compensation laws of this state, an employee, upon completion of ninety (90) days of the one year probationary period, shall be entitled to Industrial Accident Leave in the amount of ninety (90) days in any one fiscal year. Such benefits are in addition to other sick leave benefits provided by the City. All temporary disability payments received by the employee during this ninety (90) day period under worker's compensation laws shall be paid over to the City or withheld from his earnings.

PERSONAL NECESSITY LEAVE

1. Five (5) days of accumulated leave of absence for illness or injury may be used by the employee in cases of personal necessity. Personal necessity is defined as: (a) Death of a member of his immediate family, or serious injury or illness of a member of his immediate family; (b) Accident involving his person or property, or the person or property of a member of his immediate family.
2. Immediate family is defined as: the mother, the father, grandmother, grandfather or a grandchild of the employee or of the spouse of the employee, and the spouse, son, son-in-law, daughter, daughter-in-law, brother or sister, of the employee or of the spouse of the employee, or any relative living in the immediate household of the employee.

JURY DUTY LEAVE

1. The City agrees to grant to employees called for jury duty in the manner prescribed by law, leave of absence without loss of pay for time the employee is required to perform jury duty during the employee's regularly assigned work hours.
2. Employees so called for jury duty must notify the City of service date(s) upon receiving said notice from officers of the court.
3. The City shall pay the employee the difference, if any, between the employees regular rate of pay and the amount received for jury duty, less travel allowances.

MILITARY LEAVE

1. Military leave shall be granted in accordance with the provisions of State law. All employees entitled to Military leave shall give the City an opportunity, within the military regulations, to determine when such leave shall be taken.

VACATION LEAVE

1. Eligibility. All employees, except those who work on an hourly as needed basis, shall earn paid vacation time as follows:

| | |
|--------------------|---------|
| 1 through 5 years | 10 days |
| 6 through 10 years | 15 days |
| Over 10 years | 20 days |

Vacation leave, with pay, shall be granted all permanent employees only after they have completed one year of continuous service. Employees will earn a fractional part of their vacations each month. The amount of vacation earned each month will depend upon the length of service to the City and the amount of time worked per month.

2. Accumulation. Vacation time shall be earned and accumulated to a maximum of thirty (30) days, according to No. 1 above.
3. Vacation Pay. Pay for vacation days for employees shall be the same as that which the employee would have received had he been in a regular status.
4. In the event one or more designated holidays fall within an annual vacation leave, such holidays shall not be charged as vacation leave, and the vacation leave shall be extended accordingly. The times during which an employee may take his vacation shall be determined by the Department Head, prior to leave being taken, with due regard for the wishes of the employee and particular regard for the needs of service.
5. Employees who terminate employment after having completed one year of continuous service shall be paid in a lump sum for all accrued vacation leave earned prior to the effective date of termination provided that any vacation leave earned from their last employment anniversary date shall be prorated as follows: For 10 days earned vacation, 6.667 hours per month; for 15 days earned vacation, 10 hours per month; for 20 days earned vacation, 13.36 per month.

LEAVE OF ABSENCE WITHOUT PAY

1. The City Council may grant a permanent employee a leave of absence without pay for not to exceed one (1) year. No such leave shall be granted except on written request of the employee. Approval shall be granted except upon written request of the employee.

Approval shall be in writing and a copy filed with the City Clerk. Upon expiration of a regularly approved leave, or within a reasonable period of time after notice to return to duty, the employee shall be reinstated in the position held at the time leave was granted. Failure on the part of an employee on leave to report promptly at its expiration or within a reasonable time after notice to return to duty, shall be cause for dismissal.

ARTICLE VI - HOLIDAYS

1. All employees of the City shall be entitled to the following paid holidays:
 - a. Independence Day
 - b. Labor Day
 - c. Veteran's Day
 - d. Thanksgiving Day
 - e. 1/2 day of Christmas Eve (As per MOU)
 - f. Christmas Day
 - g. 1/2 day New Year's Eve (As per MOU)
 - h. New Year's Day
 - i. Washington's Birthday (observed)
 - j. Memorial Day
 - k. One (1) Floating Holiday (as per MOU)
2. All employees who are required to work on holidays designated shall be compensated for all authorized and designated hours worked at their regular rate of pay in addition to his regular rate of pay.
3. When a holiday falls on a Saturday, the preceding Friday not a holiday shall be deemed to be that holiday. When a holiday falls on a Sunday, the following Monday not a holiday shall be deemed to be that holiday.

ARTICLE VII - EMPLOYEE BENEFITS

1. Employees of the City other than those who are employed on an hourly, as needed, basis shall receive the following benefits:
 - a. 6.5% of the employees' portion of Social Security (OASDI) coverage shall be paid by the City until such time as the City if allowed to terminate Social Security coverage. At that time the 6.5% shall be applied to the salary schedule in addition to the portion of matching contributions paid by the City.

- b. 6.5% of the employees' portion of the Public Employees' Retirement System contribution shall be paid by the City.
2. Employees new to the City shall become eligible for medical insurance the first day of the month following 30 days of employment.
3. The City shall continue to pay insurance premiums while the employee is on a paid leave of absence in the same manner as if the employee had remained in regular service.
4. Once an employee has exhausted all paid leave, the City's contribution towards medical insurance shall cease.
5. Employees on an unpaid leave of absence shall be eligible to retain the same coverage, subject to carrier restrictions, up to six (6) months. If an employee on an unpaid leave of absence desires to retain coverage he shall notify the City Clerk no later than the first day of the month following his last working day. Furthermore, the employee shall submit payment for the insurance to the City Clerk no later than the first day of each month for that month's insurance premium. Failure to comply with any of the above provisions shall result in the employee on an unpaid leave of absence being dropped from the insurance rolls.

MILEAGE

1. An employee using their own automobile on City business shall be reimbursed at the rate of 22 cents per mile. Employees must assure there is no City vehicle available before using their own personal automobile. Prior approval to use personal vehicles must be obtained from the City Manager in order to receive reimbursement.

DEPARTMENT HEADS

1. All Department Heads shall be entitled to the same rights and benefits accorded employees covered under all sections of the Personnel Rules and Regulations, except COMPENSATORY TIME AND PAY ADJUSTMENTS AND OVERTIME, also under KCPEA Memorandum of Understanding regarding STAY WELL PLAN.
2. No Department Head shall be entitled to receive overtime.

NON UNION EMPLOYEES

1. All Non Union Employees shall be entitled to the same rights and benefits accorded employees covered under all sections of the Personnel Rules and Regulations except those negotiated under memorandum of understanding, and the section DEPARTMENT HEADS.

ARTICLE VIII - EVALUATIONS

1. Employees of the City shall have at least a yearly formal written evaluation.
 - a. Probationary employees shall have a formal written evaluation at least once during every six (6) months of the one (1) year probationary period.
 - b. The evaluations shall be made by the immediate supervisor and discussed with the employee.
 - c. The employee shall have the right to review and respond to an evaluation.

ARTICLE IX - GRIEVANCE PROCEDURE

1. A "grievance" shall mean an alleged violation, misapplication or misinterpretation of a specific provision of these Rules and Regulations which adversely affects the grievant.
2. This Grievance Procedure shall not be construed to allow for class action grievances.
3. Any employee may, at any time, present grievances to the City. Once a grievance has been initiated, all matters of dispute relating to it which occur during the processing of the grievance shall become a part of and be resolved in the grievance proceedings.
4. Once a grievance has been resolved or a final decision rendered, a grievant shall not be entitled to initiate a new grievance on any matter or occurrence which properly could have been included in the first grievance.
5. All written materials pertinent to the grievance, except decisions resulting from final determinations or settlements, shall be filed separately from the evaluation file of the grievant or any witness.
 - a. This file shall be available only to the employee, management or supervisory employees and confidential employees directly involved in the grievance.
 - b. All inspections of this file shall be made only upon written authorization of the employee.
6. No reprisal of any kind will be taken by the City against any grievant or participant in the Grievance Procedure by virtue of such participation.

7. Failure of the grievant to adhere to the time limits of this procedure shall constitute waiver of the grievance and acceptance of the City's action or decision at the appropriate level.

a. Time limits may be extended or shortened by mutual agreement of the grievant and the City.

8. Each formal grievance shall be preceded by an informal attempt to settle whatever problem exists at the appropriate level prior to the filing of a formal grievance.

9. Informal Level

a. An employee shall meet with the immediate supervisor to discuss a potential grievance, in an attempt to resolve it informally.

b. If the potential grievance is not resolved in this informal procedure, the employee may proceed to Level I of the Grievance Procedure.

c. It is understood that no grievance exists until the written grievance is filed with the immediate supervisor.

d. Within five (5) days after the occurrence of the act or omission giving rise to the potential grievance, the above informal procedure must be initiated.

10. Formal Level

a. Level I - Within five (5) days after the informal conference, the grievant must present his grievance, in writing, to his immediate supervisor. This statement shall be a clear, concise statement of the grievance, the circumstances involved, the decision rendered at the informal conference, and the specific remedy sought. The Supervisor shall communicate his decision to the employee, in writing, within five (5) days after receiving the grievance. If the Supervisor does not respond within the time limits, the grievant may appeal to the next level.

b. Level II - In the event the grievant is not satisfied with the decision at Level I, he may appeal the decision to the City Manager within five (5) days, in writing. This statement should include all materials utilized in the original grievance, the decision rendered, and a clear concise statement of the reasons for the appeal. The City Manager shall communicate his decision within five (5) days after receiving the appeal. The grievant and the City Manager shall hold a personal conference within the above limits. If the City Manager does not respond within the time limits, the grievant may appeal to the next level.

- c. Level III - In the event the grievant is not satisfied with the decision at Level II, he may, within five (5) days, appeal the decision to the City Council, in writing. This statement shall include all materials utilized in the original grievance and appeal, the decisions rendered, and a clear, concise statement of the reasons for the appeal. The appeal to the City Council shall be submitted to the City Clerk. Within thirty (30) days of receipt of the appeal the City Council shall communicate their decision to the grievant. The City Council alone has the power to render a final and binding determination of the grievance. Until the disposition of the grievance takes place, the grievant is required to conform to the original direction of his Supervisor.

ARTICLE X - DISCIPLINARY ACTION

SECTION 1. Disciplinary Action:

Any employee in the City service may be suspended by the appointing authority, without pay, for up to thirty (30) days, demoted or discharged for the good of the service, disciplinary purposes, or for other just cause.

SECTION 2. Grounds for Disciplinary Action:

The grounds for disciplinary action shall include, but are not limited to:

- A. Fraud in securing employment.
- B. Incompetency or inability to perform work satisfactorily.
- C. Inefficiency.
- D. Inexcusable neglect of duty.
- E. Insubordination.
- F. Dishonesty.
- G. Intoxication on duty or under the influence of drugs.
- H. Conviction of a felony or misdemeanor.

- I. Discourteous treatment of the public or other employees.
- J. Willful disobedience.
- K. Misconduct.
- L. Misuse, theft, damage or destruction of City property.
- M. Habitual tardiness.
- N. Abuse of leave privileges.
- O. Chronic or excessive absenteeism, with or without excuse.
- P. Fighting.
- Q. Violation of safety rules.
- R. Falsification of records.
- S. Unsafe City driving record.
- T. Violation of departmental or City rules and regulations.
- U. Other failure of good behavior either during or outside the duty hours which is of such a nature that it causes discredit to the City or his employment.
- V. Any other just cause.

SECTION 3. Disciplinary Procedure:

Prior to suspension, demotion or dismissal of a permanent employee in the City service for disciplinary purposes, the following procedure shall be followed:

- A. Written Notice of Proposed Action: Written notice of the proposed disciplinary action shall be given to the employee. Such notice shall include the proposed effective date of the discipline, a statement of the reason(s) for the proposed action, and the charge(s) being considered.
- B. Employee Review: The employee shall be given an opportunity to review the documents or materials upon which the proposed disciplinary action is based, and the employee shall be supplied with a copy of the documents.

- C. Employee Response: Within five (5) working days after the employee has had the review opportunity provided above, the employee shall notify the department head of his intention to respond, orally or in writing, or both, at the employee's option, to the appointing authority concerning the proposed action.
- D. Representation: In the pre-disciplinary procedure, the employee may be represented by counsel or an officer of the recognized employee group under whose representation the employee's classification falls.
- E. Written Notice of Final Action: After consideration of the employee's response, or in the absence of a response, written notice of the final disciplinary action shall be given to the employee. Such notice shall include essentially the same information contained in the notice of proposed action, except that the employee's formal appeal rights shall be stated.

SECTION 4. Emergencies: When, in the opinion of the Department Head, immediate disciplinary action is required, the employee may be suspended, without pay, for up to five (5) days pending the processing of the notices required in Section 3 of this rule or may be suspended with pay pending conduct or completion of such investigations or hearings as may be required to determine if disciplinary action is to be taken. In the event the investigation develops in the favor of the employee or the notices are not processed, the employee suspended without pay shall be entitled to reinstatement with full back pay and benefits.

SECTION 5. Suspension Appeals: In the event a permanent employee in the City service is suspended, he may file a written request with the City Clerk for a hearing on such suspension. The written request must be filed within five (5) working days after the employee's receipt of the notice of suspension.

The hearing shall be scheduled as soon as is practicable before the City Council. Such a hearing shall be conducted in the same manner as those held in the case of dismissal and demotion of employees. The City Council shall present a written decision, and in the event the employee is found to have been suspended without just cause, he shall be immediately restored to his position and shall be entitled to his regular pay for the period during which he was suspended. The decision of the City Council shall be final.

During the suspension of an employee, or pending final action on proceedings to review a suspension, demotion, or dismissal of an employee the vacancy created may be filled by the appointing power only on a temporary appointment.

SECTION 6. Demotion or Discharge Appeals: Any permanent employee in the City service who has been demoted or discharged from office may, within five (5) working days after the employee's receipt of the notice of demotion or discharge, file a written demand with the City Clerk requesting that the City Council review such demotion or discharge, in which case the City Clerk shall, without delay, notify the Department Head of such request and the Department Head shall, without delay, file a copy of said reasons and the answer of the employee, together with such other information as may be provided for in these rules and regulations with the City Clerk.

The City Council shall hold a hearing at which time it shall hear evidence for and against the aggrieved party.

If any investigation or hearing is conducted, the City Council shall have the power to examine witnesses under oath and compel their attendance, or the production of evidence, before it by subpoenas issued in the name of the City and attested by the City Clerk. It shall be the duty of the Chief of Police to cause all such subpoenas to be served, and refusal of a person to attend, or to testify, in answer to such subpoena, shall subject such person to prosecution in the same manner as set forth for failure to appear before the Council in response to a subpoena issued by the Council. The City Clerk shall have the power to administer oaths to witnesses.

All findings shall be based solely on evidence presented at the hearing. Written conclusions of findings by the City Council shall be rendered within ten (10) working days after the matter is submitted. Such findings and conclusions of the City Council shall be final and effective on the date rendering.

SECTION 7. In lieu of Suspension: Department Heads may, in lieu of suspension, allow a subordinate employee to voluntarily relinquish their days off for a period of not more than three (3) days. Prior approval shall be received from the Chairman of the Committee of the City Council having supervision of the department in which the employee is employed. Any employee voluntarily agreeing to such relinquishment shall agree in writing on a form to be furnished by the Department Head.

The voluntary relinquishment of days off is limited to regularly assigned days off. No relinquishment of vacation, sick or compensatory time off will be allowed. No vacation or compensatory time off will be allowed during the penalty period.

ARTICLE XI - LAYOFF POLICY AND PROCEDURES

SECTION 1. Abolishment of Positions: Whenever, in the judgment of the City Manager, it becomes necessary in the interest of economy, lack of work, lack of funds or reorganization, or because the necessity for a position no longer exists, the City Council may abolish any position or employment may be laid off or demoted without disciplinary action and without the right of appeal.