

Personnel Rules & Regulations

PERSONNEL RULES

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INTRODUCTION: PURPOSE AND DISCLAIMERS

These rules and regulations establish the personnel system for the City of San Dimas. Except for wages, benefits and conditions of employment, these Personnel Rules and Regulations shall apply to all employees, with the following exceptions:

- a) Elected Officials
- b) Independent Contractors

These policies are enacted by the City of San Dimas in order to further the following goals:

- a) To provide a uniform system of personnel administration throughout the City service.
- b) To ensure that recruitment, selection, placement, promotion, retention and separation of City employees are based upon employees' qualifications and fitness, and are in compliance with Federal and State laws.
- c) To assist managers in the development of sound management practices and procedures, and to make effective consistent use of human resources throughout the City.
- d) To promote communication among directors, managers, supervisors, and employees.
- e) To ensure, protect and clarify the rights and responsibilities of employees.

In the event of the amendment of any ordinance, rule or law incorporated in this document or upon which these provisions rely, these rules shall be deemed amended in conformance with those changes.

The City specifically reserves the right to repeal, modify or amend these policies at any time, with or without notice. None of these provisions shall be deemed to create a vested contractual right in any employee nor to limit the power of the City Manager or City Council to repeal or modify these rules. The policies are not to be interpreted as promises of specific treatment.

RULE I DEFINITION OF TERMS

The terms used in these rules shall have the same meaning as defined in Chapter 2.30 of the Municipal Code of the City of San Dimas or as shown below:

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

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

Section 3 Eligible: A person whose name is on an employment list.

Section 4 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. Competitive Service: Applicants for jobs in the competitive civil service must compete with other applicants in open competition under the merit system administered by the Office of Personnel Management.

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.

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D. Re-employment list: A list of names of probationary and regular employees who have been laid off or demoted in lieu of layoff.

Section 5 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 to 1) employees with the qualifications for the class who, with no subsequent break in City service except for approved leave of absence, have permanent status; and 2) probationary employees when approved by the City Manager; and 3) other employees with over 6 months current full time City experience and City Manager approval.

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.

Section 6 Exempt Employees: Exempt employees are those who are exempted from the provisions of the Federal Fair Labor Standards Act. Employees in the following job classes shall be deemed exempt:

City Manager
Assistant City Manager/Director of Administrative Services/Treasurer
Assistant City Manager of Community Development
Director of Development Services
Director of Parks & Recreation
Director of Public Works
Finance/Information Systems Manager
City Clerk
Housing Manager
Planning Manager
Associate Planner
Assistant Planner
Senior Code Compliance Officer
Senior Engineer
Associate Engineer
Building & Safety Superintendent
Public Works Maintenance Superintendent
Recreation Services Manager
Facilities Manager
Landscape Maintenance Manager
(Amended by Res. 85-54, July 9, 1985; Res. 98-27, June 28, 1998, per classification study July 2002)

Section 7 Personnel Ordinance: Chapter 2.30 of the Municipal Code of the City of San Dimas providing for a personnel system for the City and any amendments thereto adopted by ordinance of the City Council of the City of San Dimas.

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Section 8 Definition of Employees:

- a) Full Time Salaried Employee: A full time salaried employee is classified as an employee who is hired on a full time basis of forty hours per week. Full time employees receive benefits as described in section XVIII-19. A full time salaried employee becomes a "regular" full time employee once they have successfully passed their probationary period and has been retained hereafter as provided in these rules. Full time employees are not considered "At Will" employees, with the exception of the City Manager.
- b) Regular Part Time Employee: A regular part time employee is defined as an employee who is hired to work 20 or more hours per week year round. To be eligible for regular part time employee status with benefits the following criteria must be met:
 - a) employee has worked 20 hours or more per week consistently for one year and/or;
 - b) employee has worked 20 hours or more per week consistently and has exceeded 1000 hours.

Once an employee satisfies the above requirement they may be reclassified as a "Regular Part Time" employee and be eligible for part time benefits. All regular part time employees are considered "At Will" employees. The part time benefits do not apply to part time hourly employees that are hired as "seasonal", limited hours, or temporary employees. Those employees are enrolled in the Lincoln Financial Group Deferred Comp Plan in lieu of Social Security.

- c) Part Time Hourly Employee: Part time hourly employees are defined as employees who are hired for a limited amount of hours, seasonal, or temporary and whose hours are determined by the Department Director. Part time hourly employees contribute 6.2% of their gross pay to Lincoln National for deferred comp and the City contributes 1.3% to the plan in lieu of Social Security. The City also contributes 1.45% of their gross pay for Medicare. All part time hourly employees are considered "At Will" employees.
- d) At Will Employees: "At Will" employment is defined as an employment relationship in which either party can break the relationship with no liability- provided there was no express contract for a definite term governing the employment relationship and that the employer does not belong to a collective bargain.

Section 9 Discipline and Separation from Employment:

- a) Insubordination: Willful failure to obey a supervisor's lawful order; refusing to carry out the directive as part of his or her duties within the organization.

RULE II. GENERAL PROVISIONS

Section 1 Equal Employment Opportunity: It is the policy of the City of San Dimas to provide equal employment opportunity to all applicants and employees in every phase of personnel administration.

- a) The City employs, retains, promotes, terminates and otherwise treats all employees and job applicants on the basis of merit, qualifications, and competence. This policy shall be applied without regard to any individual's sex, age, race, color, religion, national origin, marital status, political beliefs and affiliations, disability, other non-merit factors, or

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because of the exercise of his rights under Section 3502 of the California Government Code.

- b) The City will not discriminate against applicants or employees with a sensory, physical or mental impairment, unless the impairment cannot be reasonably accommodated and prevents proper performance of essential duties and responsibilities of the job. Discrimination on the basis of age or physical disability shall be prohibited except where specific age or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration. (Resolution 75-2).
- c) Employees with life threatening illnesses, such as cancer, heart disease, or AIDS/HIV conditions, or communicable diseases such as tuberculosis or influenza, are treated the same as all other employees. They are permitted to continue working so long as they are able to maintain an acceptable level of performance and medical evidence shows they are not a threat to themselves or their co-workers. The City will work to preserve the safety of all of its employees and reserves the right to reassign employees or take other job actions when a health or safety risk to fellow City employees or the public exists.

Section 2 Enforcement of Personnel Rules & Regulations: The authority for implementation and enforcement of the City's Personnel Rules and Regulations is vested with the City Manager or his designee. All references in these rules and regulations to City Manager implies; or his designee.

Section 3 Violation of Rules: Violation of the provisions of these rules may be grounds for rejection, discipline, suspension, demotion or dismissal.

Section 4 Amendment and Revision of Rules: Amendments and revisions may be suggested by any interested party and shall be submitted through the City Manager. Proposed amendments or revisions to these rules shall be publicly posted for at least five (5) consecutive days prior to consideration by the City Council. During the process of consideration any recognized employee organization shall be consulted on any amendment or rule which affects them or members of said organization, and an association representative and any other interested party may appear and be heard by the City Manager. Amendments and revisions shall become effective upon adoption by the City Council, unless otherwise specified.

Section 5 Employee Responsibilities and Conduct:

- (a) The safety and welfare of the City's citizens shall at all times be held as a central mission of government. All City employees are expected to represent the City to the public in a professional manner which is courteous, efficient and helpful. Employees must maintain a clean and neat appearance appropriate to their work assignment, as determined by their position and department head.
- (b) Since the proper working relationship between employees and the City depends on each employee's on-going job performance, professional conduct and behavior, the City has established certain minimum standards of personal conduct. Among the City's expectations are: Basic tact and courtesy towards the public and fellow employees; adherence to City policies, procedures, safety rules and safe work practices; compliance with directions from supervisors; preserving and protecting the City's equipment, grounds, facilities and resources; and providing orderly and cost efficient services to its citizens.

Section 6 Employees as Disaster Services Workers:

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According to California Government Code Section 31000 "...all public employees are hereby declared to be disaster service workers subject to such disaster service activities as may be assigned to them by their superiors or by law." If off duty employees are expected to report to duty following a disaster and remain on duty until released. If on duty during a disaster you may be expected to remain on duty until released. All applicable overtime pay policies will apply during a disaster.

Section 7 Hiring Relatives: Employee's immediate relatives will not be employed by the City under any of the following circumstances:

- (1) Where one of the parties would have authority (or practical power) to supervise, appoint, remove, or discipline the other;
- (2) Where one party would be responsible for auditing the work of the other;
- (3) Where both parties would report to the same immediate supervisor or within the same division or department, with the exception of part-time employees.
- (4) Where other circumstances might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the City; or
- (5) Where one of the parties is related by blood or marriage to an elected official of the City, appointed commissions or the City Manager.

The City defines an immediate relative as a relation to either the employee or the employee's spouse as follows:

Relative of Employee	Relative of Spouse
Spouse	Brother
Brother	Sister
Sister	Parent or Stepparent
Brother's wife (sister-in-law)	Grandparent
Sister's husband (brother-in-law)	Child or Stepchild
Parent-In-Law	
Grandchild	
Grandparent	
Child or Stepchild	
Child's spouse	

If two employees marry, become related or begin sharing living quarters with one another, and in the City's judgment, the potential problems noted above exist or reasonably could exist, only one of the employees will be permitted to stay with the City, unless reasonable accommodations, as determined by the City Manager, can be made to eliminate the potential problem. The decision as to which relative will remain with the City must be made by the two employees within thirty (30) calendar days of the date they marry, become related, or begin sharing living quarters with each other. If no decision has been made during this time, the City reserves the right to terminate either employee.

Section 8 Outside Employment, Conflicts of Interest and Media Contact:
Outside Employment/Conflicts of Interest:

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- (a) Employees shall not, directly or indirectly, engage in any outside employment or financial interest which may conflict, in the City's opinion, with the best interests of the City or interfere with the employee's ability to perform their assigned City job. Examples include, but are not limited to, outside employment which:
 - (1) prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job;
 - (2) is conducted during the employee's work hours;
 - (3) utilizes City telephones, computers, supplies, or any other resources, facilities or equipment;
 - (4) is employment with a firm which has contracts with or does business with the City
 - (5) may reasonably be perceived by members of the public as a conflict of interest or otherwise discredits public service.
- (b) An employee who chooses to have an additional job, contractual commitment or self-employment, may do so provided the employee obtains prior approval from the employee's immediate supervisor.

Political Activities:

- (a) City employees may participate in political or partisan activities of their choosing provided that City resources and property are not utilized, and the activity does not adversely affect the responsibilities of the employees in their positions. Employees may not campaign on City time or in a City uniform or while representing the City in any way. Employees may not allow others to use City facilities or funds for political activities.
- (b) Any City employee who meets with or may be observed by the public or otherwise represents the City to the public, while performing the regular duties may not wear or display any button, badge or sticker relevant to any candidate or ballot issue during working hours. Employees shall not solicit, on City property or City time, a contribution for a partisan political cause.
- (c) Except as noted in this policy, City employees are otherwise free to fully exercise their constitutional First Amendments Rights.

Media Contact:

The City Manager, City Council or designated Department Heads shall be responsible for all official contacts with the news media during working hours, including answering questions from the media. The City Manager or designated Department Head may designate specific employees to distribute procedural, factual or historical information on particular subjects.

Section 9 Use of City Equipment:

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All office equipment, computers, furnishings, cell phones, heavy equipment/machinery, tools and all other maintenance equipment, supplies and items necessary for employees to perform their job duties are the sole property of the City. The employee should not have any expectation of privacy in regards to email, offices, desk, computer files, and file cabinets as all are property of the City. Use of City property, equipment, phones, faxes, email, and the internet should be utilized to conduct City business and personal use should be at a minimum.

Cellular Telephones: The City recognizes that cellular telephones are both practical and economical for certain uses, and that timely communications may be greatly enhanced. This administrative policy establishes procedures for the eligibility, acceptable use, reimbursement, and safe and cost-effective use of cellular phones used to conduct City business.

Eligibility: Eligibility shall be determined by the following criteria:

- a) Whether or not the cell phone will enhance the emergency response, employee safety or work efficiency.
- b) Whether or not the position needs to be readily available.
- c) Whether or not a cell phone is the most appropriate or economical choice.
- d) Whether or not reimbursement for a personal cell phone would be more efficient or cost effective.
- e) Other factors, including, but not limited to how much time the position spends in the field, how frequently the device will be used, whether or not it is practical for the user to share the phone with other employees.

A "Cellular Phone Approved List" will be developed by the Assistant City Manager in concurrence with each Department Director. This list will identify City positions that will receive City owned cellular phones and those positions eligible for personal cellular phone reimbursement allowance, as well as, reimbursement for data charges as deemed appropriate. The list shall also include cell phones used in "pools".

- Level A – City determines that it is in the best interest of the City for the employee to have the use of a cell phone. The City owns the phone.
- Level B – The City employee owns the phone and shall be provided a monthly allowance for cellular service. All contracts for cellular service shall be between the employee and the provider and the payment of the cellular bill will be the responsibility of the employee.
- Level C – Employees who are not assigned a cellular phone or receive a monthly allowance may request reimbursement for any actual expenses incurred resulting from the use of their personal phone for City business upon the approval of their Department Director.

General Policies

- 1) It is the intent of the City to consolidate all City owned cellular phones into a minimum number of provider plans. It is also the intent to have standardized equipment. The Administrative Services Department shall be responsible for the administration of all City owned phones, service plans and this policy. No other department is authorized to contract with any cellular phone providers or receive equipment from cellular phone providers without approval of the Assistant City Manager or his designee.

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- 2) All City employees must continuously strive to minimize costs. Cellular phones are assigned to employees in order to ensure their field safety, improve service to citizens, and provide an efficient means of communication when no less costly method is available. Cellular phone use charges can have significant budgetary impact in the aggregate. If regular phone lines are available, and it is practical to do so, they should be used first before relying on the cellular phone. Users shall make every effort to avoid using directory assistance since there are charges that result in additional cost to the City.
- 3) Cellular phones are not to be used while operating vehicles or heavy equipment. This policy applies regardless of who owns the phone being used or the vehicle being driven. Employees must safely park vehicles before operating cellular phones.
- 4) Cellular phones are not to be used while at gasoline pumps or in the vicinity of other flammables.
- 5) Employees are required to use proper phone etiquette when using cellular phones. City phones shall always be answered promptly, courteously and professionally. Cellular phone transmissions are not secure: therefore, employees should use discretion in relaying confidential information. Employees should also be aware that cellular phone bills and records for City issued cell phones are public information.
- 6) All employees who are subject to this policy will be required to acknowledge reading, understanding and accepting the terms and conditions of the policy.
- 7) Violation of this policy may also be subject to disciplinary actions, up to and including possible termination.

City Issued Cellular Phones

- 1) The City provides cellular phones to certain employees to improve communications among City employees and between City employees and the public. All equipment purchased by the City is owned by the City and shall be returned to the City when the employee separates from service or when the City determines the need for such equipment no longer exists.
- 2) General Services has budgetary responsibility for the purchase and monthly expenses associated with cellular phones.
- 3) Employees are responsible for maintaining adequate physical protection for all equipment issued to them by the City. Lost phones or damaged phones shall be reported to the Department Supervisor immediately. The Department shall coordinate repairs or replacements with the Administrative Services Department. Employees shall not contact the vendor or order phones or equipment.
- 4) The use of cellular phones should be limited to official City business. Although cellular phones are not intended for personal use, the City recognizes that employees may have an occasional need to use the City's cellular phones for other than City business. Personal calls on City cellular phones shall be made only on an incidental basis, be of reasonable duration, and shall not interfere with the ability to perform duties or disrupt the work of other employees.

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- 5) Department Directors are responsible for monitoring and determining the accuracy of monthly billing statements and determining if they generally reflect the department's appropriate telephone usage and conformance to this policy. If excessive personal or toll charges are identified the employee shall be responsible for reimbursement to the City.
- 6) Cellular phones are not to be taken home by employees after the end of their work shift unless previously approved by the Department Director. The Director shall only approve the taking home of a cellular phone after hours when it is determined that there is the need to contact the employee for an after hours emergency. After hours phone use shall only be used for City business.
- 7) Employees should not have an expectation of privacy in messages left for them on voice mail. The City reserves the right to access, monitor, transcribe, copy or delete any messages left on City owned phones. Employees should access and review voice mail messages on a regular basis.
- 8) Department Directors may, in their discretion, establish department policies that provide for additional control over employee use of cell phones other than set forth in this policy. In instances where such phones are issued to departments and used by more than one employee within the department as a "pool" phone, the Department Director may establish additional department policies.
- 9) During a City emergency all cell phones may be subject to reassignment for emergency response purposes.
- 10) An employee's excessive personal or other inappropriate use of City owned phones or other violations of this policy may result in loss of the privilege to use such equipment.

Cellular Phone & Data Allowances

- 1) Executive Management and other specified employees shall be eligible for a monthly allowance for costs associated with the use of their personal cellular phones and for data charges for business purposes. The amount of the allowance shall be established in the City's Pay Plan and Reimbursement Schedule.
- 2) Eligible employees must own a personal cellular phone and maintain service in order to become eligible for the monthly allowance.
- 3) Eligible employees will be expected to have their cellular telephone number published and distributed to other City officials for the purpose of conducting City business.
- 4) Eligible employees will be expected to be available via cell phone during normal business hours or as workload demands require.
- 5) Eligible employees shall provide documentation verifying their ownership of a cellular telephone and service and the associated monthly cost in order to become eligible for the reimbursement. As needed or requested the employee shall provide documentation verifying continued ownership and business use of a cellular phone in order to maintain their monthly allowance.

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- 6) Payment of any business cellular phone costs in excess of the City paid monthly allowance shall be the personal responsibility of the affected user.
- 7) The monthly allowance shall be paid by the City to the employee on a bi-weekly basis through payroll.
- 8) Cellular phone allowance compensation may be discontinued at any time and employees have no property right to the compensation.

Other Equipment:

All other City owned equipment shall be used by employees to conduct City business only. An employees' misuse of City services, telephones, vehicles, equipment or supplies can result in disciplinary action including termination.

Vehicles:

- a) City vehicles should be used by employees for City business only.
- b) City vehicles shall not be taken home overnight.
- c) City vehicles shall be legally and appropriately operated and/or parked at all times. Violations issued to the driver of the vehicle will be the responsibility of the driver not the City.
- d) Seat belts will be used by the driver and all passengers at all times when the vehicle is in motion. It shall be the driver's responsibility to ensure use of seat belts by all passengers.

Information System Policies:

- 1) All users will be assigned a password to log on to the system. This password is for the user only; **do not share**. For security purposes passwords will be changed annually by the Information System Manager. Users are not permitted to install/delete programs on the PC. Each user is responsible for the backup of their work that is stored on the PC hard drive, all other data is stored on the network servers.
- 2) Access to the Internet and the World Wide Web services should be utilized to conduct City business and personal use should be responsible and kept at a minimum.
- 3) The same policies apply to E-MAIL; access should be utilized to conduct City business and personal use should be responsible and kept at a minimum.
- 4) Employees should not have any expectation of privacy in regards to E-mail, data files, voice mail, internet sites, or information on the City's computers; as all equipment, data and information are the property of the City of San Dimas and may be reviewed and/or retrieved at any time.
- 5) All computer hardware and software is licensed for use by employees of the City of San Dimas only. Unauthorized users are prohibited.
- 6) Computer equipment and software are the property of the City and must remain at City Hall. Special exceptions can be made for City related work as approved by the Information Systems Manager, City Manager or Assistant City Manager.

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- 7) Downloading unlicensed games, programs, or screen savers is prohibited. Unauthorized programs or files found on City equipment will be deleted.
- 8) Any diskette, CD, or other media disk brought from an outside agency or home that is needed for City business, must be scanned for viruses before loading to a City PC.
- 9) The playing of computer games on City time is prohibited.
- 10) Notify the Information System Manager if you need to disconnect your computer for any reason, **before** you unplug your equipment.
- 11) Do not disassemble your computer without notifying the IS Manager.
- 12) Handle all computer equipment with care. Keep away from the computer: drinks, paper clips, sharp objects etc. to prevent damage to the CPU.
- 13) Computer equipment should be placed on a solid surface, and as secure as possible on the desk to prevent any damage due to earthquakes, etc.
- 14) All orders for computer hardware, software, and supplies must be requested from the IS Manager to insure proper coordination, purchasing procedures and proper licensing are followed.

Section 10 Drivers License Requirements and Seat Belt Policy:

- a) As part of the requirements for certain specific City positions, an employee may be required to hold a valid State Driver's license and/or a Class B license for the operation of heavy equipment.
- b) The City participates in the DMV "Pull Notice Program" to monitor employees driving records.
- c) If an employee's license is revoked, suspended or lost, or is in any other way not current, valid and in the employee's possession, the employee shall promptly notify the department head and will be immediately suspended from driving duties. The employee may not resume driving until proof of a valid, current license is provided to the department head.
- d) Depending on the duration of license suspension, revocation or other inability to drive, an employee may be subject to disciplinary action, including termination.
- e) Anyone operating or riding in City vehicles must wear seat belts at all times as required by law.

Section 11 Automobile Insurance Requirements:

- a) Employees who regularly use their own privately owned vehicles on City business must notify their insurance company of such use.

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- b) All operating expenses of the privately owned vehicles are to be borne by the employee. This includes, but is not limited to, gasoline, oil, maintenance, wear and tear, depreciation and insurance.
- c) The City is not liable for any damage to an employee's privately owned vehicle, unless caused by the City's negligence (employee's negligence excepted). It is the responsibility of the employee operating the vehicle to notify his/her immediate supervisor, the Department of Motor Vehicles, and the employee's insurance company in the case of any accident. If an employee is responsible for an accident either while driving a City or personally owned vehicle, his/her automobile insurance premiums may be increased.
- d) California Insurance Code §11580.9 states that where two or more policies affording valid and collectible liability insurance apply to the same motor vehicle in an occurrence out of which a liability loss shall arise, it shall be conclusively presumed that the insurance afforded by that policy in which the motor vehicle is described or rated as an owned vehicle is primary and the insurance afforded by any other policy shall be excess.
- e) The City shall not be responsible for any increase in the employee's automobile premium as a result of an accident.
- f) In the event of an accident, the employee is responsible for paying any deductibles the insurance company may require.
- g) Should an employee using his/her privately owned vehicle on Agency business be involved in an accident resulting in injury or property damage, the employee's own insurance carrier shall respond to defend the employee. Should a claim exceed the limits of the employee's liability insurance coverage, the California JPIA liability protection program would respond in an excess capacity if the accident qualifies as a covered occurrence.

Section 12 Employee Identification Cards: It is the policy of the City to issue employee identification cards to all full time and regular part time employees. Cards may also be issued to other employees who may require City identification while working in remote job sites. The card contains the following information: employee name, position, department, physical description, and emergency information. City Identification cards will be valid for five years upon date of issuance.

The card should be carried at all times when an employee is acting in an official capacity. The card shall be used as identification if requested by a member of the public or another City employee. It also provides immediate access to emergency information should an employee become injured or incapacitated on the job.

Unauthorized or inappropriate use of the employee identification card is prohibited and may result in disciplinary action. Should a card be lost, damaged or destroyed, it should be immediately reported to the Personnel office. All identification cards remain the property of the City and shall be returned to the Personnel office upon termination or separation from employment or by special request by the employee's Department Head or the Personnel office.

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Section 13 Safety:

- a) Every employee is responsible for maintaining a safe work environment and following the City's safety rules. Negligence in adherence to on-the-job safety standards will be considered grounds for discipline and/or termination. Each employee shall promptly report all unsafe or potentially hazardous conditions to the department head. The City will make every effort to remedy problems as quickly as possible.
- (b) In case of an accident involving a personal injury, regardless of how serious, employees shall immediately notify their supervisor, department head and Assistant City Manager/Director of Administrative Services.
- (c) City shall maintain a comprehensive safety policy and program.

Section 14 Complaint Procedures:

The City recognizes that sometimes situations arise in which an employee feels that they have not been treated fairly or in accordance with City rules and procedures. For this reason the City provides its employees with procedures for resolving complaints.

- (a) Step 1: An employee should first try to resolve any problem or complaint with their supervisor.
- (b) Step 2: When normal communication between an employee and the supervisor is not successful, or when an employee disagrees with the application of City policies and procedures, the employee should attempt to resolve the problem with the department head. The department head will respond to the employee in writing within five (5) days after meeting with the employee, if possible.
- (c) Step 3: If the employee is not satisfied with the response from the department head, the employee may submit the problem, in writing, to the City Manager. The written complaint must contain, at a minimum:
 - (1) A description of the problem;
 - (2) A specific policy or procedure which the employee believes has been violated or misapplied;
 - (3) The date of the circumstances leading to the complaint or the date when the employee first became aware of those circumstances;
 - (4) The remedy sought by the employee to resolve the complaint.
 - (5) The written complaint should be filed within ten (10) working days of the occurrence leading to the complaint, or ten (10) working days after the employee becomes aware of the circumstances.
- (d) The City Manager may meet with the parties, either individually or together, and the City Manager will respond in writing to the aggrieved employee within ten (10) days of the meeting. The City Manager's response and decision shall be final and binding.

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RULE III. CLASSIFICATION

Section 1 Preparation of Plan: The City Manager, or person or agency employed for that purpose, shall ascertain and record the duties and responsibilities of all positions in the competitive service and, after consulting with heads of departments, shall recommend a classification plan for such positions. 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. The classification plan shall consist of classes of positions in the competitive service defined by class specifications. Each class specification shall include title, a definition of the class, the duties and responsibilities of the class, the qualifications desirable for success in that class (such as necessary knowledge, skills, abilities, and education and experience patterns).

Section 2 Adoption, Amendment and Revisions of Plan: The classification plan shall be adopted and may be amended by resolution of the City Council. During the process of consideration, any recognized employee organization affected may be consulted and any other interested party may appear and be heard. Amendments and revisions of the plan may be suggested to the City Council by any recognized employee organization, and shall be submitted through the City Manager. Notice of City Council consideration of the proposed classification plan, amendments or revisions shall be publicly posted at least five (5) days prior to City Council action.

Section 3 New Positions: When a new position is created, before the same may be filled, and except as otherwise provided by ordinance, Chapter 2.30 of the Municipal Code of the City of San Dimas, or these rules, no person shall be appointed or employed to fill any such position until the classification plan shall have been amended to provide therefore an appropriate employment list established for such position.

Section 4 Allocation of Positions: Following the adoption of the classification plan and consultation with Department Heads and any recognized employee organization affected, the City Manager shall allocate every position in the competitive service to one of the classes established by the plan.

Section 5 Reclassification: Positions, the duties of which have changed materially so as to necessitate reclassification, whether new or already created, shall be allocated by the City Manager. Revision of position descriptions and re-allocations within the classification plan shall be made as often as is necessary to provide current information on positions and classes.

It shall be the duty of the Administrative Services department to examine the nature of all positions and to allocate them to existing or newly created classes, to make changes in the classification plan as are made necessary by changes in the duties and responsibilities of existing positions, and to periodically review the entire classification plan and recommend appropriate changes in the allocations or in the classification plan.

When a new position is requested by a Department Director or the duties of an old position are substantially changed, the Department Director shall submit a written recommendation to the Administrative Services Department including justification for the reclassification, emphasizing changes in position responsibilities or requirements for qualifications (i.e. experience, education, certifications, etc.).

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The request will be reviewed by the City Manager and/or the Assistant City Manager/Director of Administrative Services. If the request is justified, the budget impact will be determined, and a review and recommendation to the City Council will be prepared. If approved, the Administrative Services Department will take the necessary steps to affect the reclassification. No reclassification involving an upgrade of salary not requested and approved as part of the budget process will be affected without City Council approval.

If the Administrative Services department does not concur with the request for reclassification, the Department Director will be provided with the reasons. The City Manager shall be the final decision maker for all reclassification requests.

If the requested action is for a downgrading of a position, and the City Manager concurs, the Administrative Services department shall coordinate implementation steps.

Any employee who considers his/her position improperly classified shall first submit a request in writing for reclassification to his/her Department Director who shall review the request and transmit it with written recommendation to the Administrative Services department.

Re-grade comes about as a result of reclassification, and due to an overall increase/decrease in the responsibilities of a position, resulting in an increase/decrease in the monetary compensation (salary range) established for the position.

Persons so promoted will be subject to the standard probationary period for the new positions, unless specifically waived by the City Manager. Those who fail the probationary period may re-assume any prior appointment held prior to the promotion unless that position has been filled.

Employees in position classifications which are upgraded (or downgraded) in salary to reflect changes in market conditions will retain their existing anniversary date for future step increases.

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

RULE IV. APPLICATIONS AND APPLICANTS

Section 1 Announcement: All examinations for classes in the competitive service shall be publicized by posting announcements at City Hall, on official bulletin boards, on the City's Web Site and by such other methods as the City Manager deems available. Consistent with the City's policy of providing equal employment opportunity for its citizens, all segments of the community shall be made aware of the forthcoming examinations.

The announcement shall specify the title and pay of the class for which the examination is announced; the nature of the work to be performed; preparation desirable for the performance of the work of the class; essential functions; any licenses or certificates required or desirable for the class; the weight to be assigned each part of the selection process; the opportunity of each candidate to inspect his own papers after an exam; the method of making applications; the last date for filing applications, if any; and other pertinent information.

Section 2 Application Forms: Applications shall be made as prescribed on the examination announcement. Application forms shall require information covering education, experience, and other job-related data. No application form or other pre-employment inquiry may

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be made concerning a job applicant's race, religion, color, national origin, ancestry, sex, disabilities, age, marital status or pregnancy. All applications must be signed in ink by the person applying.

Section 3 Disqualifications: The City Manager and/or the Assistant City Manager/Director of Administrative Services shall reject any application which indicates:

- A. That the applicant does not meet the minimum requirements.
- B. That the applicant is addicted to the use of intoxicating liquors or to the use of harmful narcotics or drugs.
- C. That the applicant has been convicted of any of the following offenses:
 1. Murder or kidnapping.
 2. Sex offenses as defined in the State Education code.
 3. Any crime that is reasonably related to the performance of the position for which application is made.
- D. That the applicant has been discharged from the armed services of the United States under conditions other than honorable.
- E. That the applicant has willfully made any false statement or omission of any material fact, or has practiced any deception or fraud in his application.
- F. For any material cause which in the judgment of the City Manager or designee would render the applicant unsuitable for the position, including a prior resignation from the City, termination from the City, or a significant disciplinary action.

Provided, however, that such application may be accepted if, within the judgment of the City Manager and/or Assistant City Manager/Director of Administrative Services, mitigating or extenuating circumstances exist, including, but not limited, to such factors as rehabilitation demonstrated by exemplary conduct of the applicant after conviction and the length of time between conviction and the application. (Resolution No. 76-49, June 22, 1976).

RULE V. EXAMINATIONS

Section 1 Nature and Types of Examinations: The selection techniques used in the examination process shall be impartial and relate to those subjects which, in the opinion of the City Manager and/or Assistant City Manager/Director of Administrative Services 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 such as, but not necessarily limited to, achievement and aptitude tests, other written tests, personal interviews, performance tests, physical agility tests, evaluation of daily work performance, work samples, medical tests, successful completion of prescribed training, or any combination of these or other tests. The probationary period shall be considered as an extension 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, and by insuring that all candidates can understand and respond to the questions.

Section 2 Promotional Examinations: Promotional examinations may be conducted whenever, in the opinion of the City Manager, 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 employees who meet the requirements set forth in the

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promotional examination announcements may compete in promotional examinations. Probationary employee may compete if authorized by the City Manager

Section 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.

Section 4 Conduct of Examination: 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 shall see that such duties are performed.

Section 5 Scoring Examinations and Qualifying Scores: A candidate's score in given examinations shall be the average of their scores on each competitive part of the examination on which he/she qualified, weighted as shown in the examination announcement. The City Manager, after consultation with appropriate Department Heads and/or supervisors, shall establish relative examination weightings. Failure in one part of the examination may be grounds for declaring such applicants as failing in the entire examination, or as disqualified for subsequent parts of an examination.

Section 6 Notification of Examination Results and Review of Papers: Each candidate in an examination shall be given written notice of acceptance or denial of employment.

Any candidate shall have the right to inspect his own written examination papers (i.e.- employment tests), except where such review is prohibited by law, as in copyrighted exams. Such a review must occur within five working days after the notices of examination results were mailed, and shall be conducted only at a time and place designated by the City Manager. The City Manager shall take steps to insure that all candidates are aware of this right prior to the examination. Any error in computation, if called to the attention of the City Manager within this period, shall be corrected. Such corrections shall not, however, invalidate appointments previously made. All other written materials such as employment applications, resumes, and interview notes shall remain property of the City.

RULE VI. EMPLOYMENT LISTS

Section 1 Employment Lists: As soon as possible after the completion of an examination, the Assistant City Manager/Director of Administrative Services shall prepare and keep available an employment list consisting of the names of candidates who qualified in the examination, arranged, in order of final score, from the highest to the lowest qualifying score. Names of candidates with identical final ratings shall be arranged on the list in the order of their ratings on that part of the examination having the greatest weight.

Section 2 Duration of Lists: An employment list shall become effective on the date the Assistant City Manager/Director of Administrative Services approves the list and certifies that it represents the relative ratings of the names appearing thereon. Employment lists other than those resulting from a continuous examination shall remain in effect for one year, unless sooner exhausted or abolished by the Assistant City Manager/Director of Administrative Services. Such lists may be extended, prior to their expiration dates, by action of the Assistant City Manager/Director of Administrative Services, for additional periods, but in no event shall an employment list remain in effect for more than two years.

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Section 3 Re-Employment Lists: The names of probationary and regular employees who have been laid off shall be placed on appropriate re-employment lists as provided in Section 2, Rule X of this Resolution. Such names shall remain thereon for a period of one year unless such persons are sooner re-employed.

When a re-employment list is to be used to fill vacancies, the Assistant City Manager/Director of Administrative Services shall certify all of the names on the list for consideration by the Department Head.

Section 4 Removal of Names from List: The name of any person appearing on an employment, re-employment or promotional list shall be removed by the Assistant City Manager/Director of Administrative Services if the eligible requests in writing that his/her name be removed, if he/she fails to respond to a notice of certification mailed to his their last known address, if he/she fails to respond to a request for an interview, if he/she has been certified for employment three times and has not been appointed, or for any of the reasons specified in Rule IV, Section 3, of these Rules. The person affected shall be notified of the removal of his/her name by a notice mailed to his 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. METHODS OF FILLING VACANCIES

Section 1 Types of Appointments: All vacancies in the competitive service shall be filled by promotions, re-employment, transfer, demotion, under filling, reinstatement, or from eligible candidates certified by the Assistant City Manager/Director of Administrative Services 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 Chapter 2.30 of the Municipal Code of the City of San Dimas and these Rules.

Section 2 Notice of Vacancy: If a vacancy in the competitive service occurs, the Department Head shall notify the City Manager. If there is no re-employment list available for the class, the City Manager shall have the right to decide whether to fill the vacancy by reinstatement, transfer, demotion, under filling, appointment from a promotional employment list, or appointment from an open employment list.

Section 3 Certification of Eligibles: If the City Manager does not consider it in the City's best interest to fill the vacancy by promotion, reinstatement, transfer, demotion, or under filling, 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 Department Head requests a vacancy be filled by appointment from a promotional employment list or from an open employment list, the Assistant City Manager/Director of Administrative Services shall certify from the specified list the names of all individuals willing to accept appointment. Whenever there are three names or fewer of individuals willing to accept appointment on a promotion employment list or on an open employment list, the Department Head may recommend an appointment from among those eligible or may request the Assistant City Manager/Director of Administrative Services to establish a new list. When so requested, the Assistant City Manager/Director of Administrative Services may hold a new examination and establish a new employment list.

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Section 4 Appointments: After interview and investigation, the Department Head shall recommend an appointment from among those certified, and shall immediately notify the City Manager, or the designated representative, of the recommendation. If recommendation is made to appoint a person who is not within the top twenty-five percent or among the top three of the eligible list, the Department Head must submit written reasons for both the recommendation and the pass over of those ranking in the top twenty-five percent or among the top three. Based on the Department Head's recommendation, the City Manager shall then make an appointment from among those certified. The person accepting appointment shall present himself/herself to the City Manager, or his designated representative, for processing on or before the date of appointment. If the applicant accepts the appointments and presents himself for duty within such period of time as the City Manager shall prescribe, he/she shall be deemed to be appointed; otherwise, he/ she shall be deemed to have declined the appointment.

Section 5 Provisional Appointments: In the absence of individuals willing to accept appointment from appropriate employment lists, the City Manager may make a provisional appointment, preferably of a person meeting the desirable training and experience qualifications for the position. A provisional appointment is a temporary assignment with either a specific or open ended duration. A provisional appointment may be made to cover a military leave, jury duty, an extended leave of absence, or other such contingencies. Such an appointment may also 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, such vacancy may be filled by the City Manager subject to the provisions of the Personnel Ordinance and these rules. A provisional employee may be reinstated to their previous position at any time without the right of appeal or hearing

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.

Section 6 Emergency Appointments: To meet the immediate requirements of an emergency condition such as extraordinary fire, flood, earthquake, etc., which threatens life or property, the City Manager (or a Department Head, subject to the City Manager's review) may employ such persons as may be needed for the duration of the emergency without regard to the rules affecting appointments. No such appointment shall exceed thirty (30) working days nor shall one person hold successive emergency appointment. No position shall be filled by a succession of emergency appointments.

RULE VIII. PROBATIONARY PERIOD

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

Section 2 Length of Probationary Period: All original and promotional appointments shall be tentative and subject to a probationary period of not less than six months actual service. The City Manager may extend the probationary period for any employee up to two months for each extension, to a maximum of two such extensions, but in no case may a probationary period last longer than one (1) year.

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Section 3 Evaluation During Probationary Period: A Department Head shall submit a bimonthly performance evaluation report for each probationer under their supervision throughout the probationary period. Two weeks prior to the conclusion of an employee's probationary period, the Department Head shall file a performance evaluation report with the City Manager recommending either regular status, continuation of probation, or termination of the probationer.

The City Manager shall prepare similar bimonthly performance evaluation reports on any probationary member of his staff.

Section 4 Action Upon Conclusion of Probationary Period: Following receipt of the report mentioned in Section 3 above and prior to the actual date of expiration of the probationary period, the City Manager shall either appoint the probationer to regular status, continue the probationary period, or terminate the employee, in accordance with other provisions of these Rules. The City Manager's decision shall be communicated to the employee concerned by the responsible Department Head.

Section 5 Rejection of Probationer: Upon recommendation of the responsible Department Head, the City Manager may reject an employee without cause and without the right of appeal at any time during the probationary period. Notification of rejection and the reasons therefore shall be served on the probationer in writing and a copy placed in the personnel file.

Section 6 Rejection Following Promotion: Any employee rejected during the probationary period following a promotional appointment, or at the conclusion of the probationary period by reasons of failure of the City Manager to decide that his/her services have been satisfactory, shall be reinstated to the position from which he the employee was promoted unless the employee is discharged in the manner provided in the Personnel Ordinance and these Rules for positions in the competitive service.

RULE IX. TRANSFER, PROMOTION, DEMOTION, SUSPENSION AND REINSTATEMENT

Section 1 Transfer: The City Manager may transfer an employee 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 for purposes of economy and efficiency.

Transfer shall not be used to effectuate a promotion, demotion, an advancement, or reduction, each of which may be accomplished only as provided in the Personnel Ordinance or these Rules. No person shall be transferred to a position for which he/she does not possess the desirable qualifications.

Section 2 Promotion: Insofar as consistent with the best interests of the service, all vacancies in the competitive services shall be filled by promotion from within the City service.

If, in the opinion of the City Manager, a vacancy in the position could be filled better by an open-competitive examination instead of promotional examination, then the City Manager shall

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arrange for an open-competitive examination and for the preparation and certification of an open-competitive employment list.

Section 3 Under Filling: Consistent with other provisions of these Rules, the City Manager may fill a vacant position by utilizing the under filling procedure. This action provides that a candidate whose name is on an employment list may be appointed to a vacancy in a classification below that of the class for which the candidate has gained eligibility. "Below" describes both a lesser salary range and those classes in the same (or nearby comparable) career series, as provided in the classification plan.

Section 4 Suspension: A Department Head may suspend a subordinate employee, subject to the City Manager's approval, without pay for not more than three working days at any one time, and not more than once in a thirty calendar day period. Upon recommendation of the responsible Department Head, the City Manager may suspend an employee from his/her position at any time for a disciplinary purpose. The City Manager may also suspend a Department Head or member of his staff at any time for a disciplinary purpose. Suspension without pay shall not exceed thirty calendar days, nor shall any employee be penalized by suspension without pay for more than thirty calendar days in any fiscal year. Any employee who has been suspended for more than 24 hours shall receive a written statement of the reasons for such action in advance of the suspension and shall be entitled to a hearing if he or she so requests, as provided in the Personnel Ordinance and these Rules.

Section 5 Demotion: Subject to the City Manager's approval, a Department Head may demote an employee whose job performance falls below standard, or for disciplinary purposes. Upon request of the employee, and with the City Manager's consent, a Department Head may demote an employee to a vacant position. The City Manager may also demote an employee for poor performance, a disciplinary purpose, or to a vacant position upon request of the employee. No employee shall be demoted to a position for which he/she does not possess the desirable qualifications. If the demotion is for disciplinary purposes the employee shall receive written notification pursuant to state law.

Section 6 Reinstatement: With the approval of the Department Head and the City Manager, 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 prescribed 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 Department Head and approval of the City Manager at time of reinstatement.

RULE X. DISCIPLINE AND SEPARATION FROM SERVICE

Section 1 Discipline and Terminations: An employee in the competitive service may be discharged at any time by the City Manager. Whenever it is the desire of a Department Head to discharge an employee in the competitive service, the City Manager's consent shall be requested. Any employee who will be discharged shall receive a written statement of the reasons for such action prior to the time of discharge and shall be entitled to a hearing if the employee so requests, as provided in the Personnel Ordinance and these Rules.

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Discipline

- (a) All employees are expected to exercise good judgment, loyalty, common sense, dedication, and courtesy in the performance of their duties. The primary mission of every employee is to provide courteous, orderly, efficient, and economic delivery of services to the citizens of the City.
- (b) Acts, errors, or omissions which discredit the public service or impair the provision of orderly services to the citizens of the City may result in discipline, including termination.
- (c) The City Manager or department head, as appropriate, has full discretion and authority to impose disciplinary action in accordance with City policy and the circumstances of the particular case.
- (d) The following are examples of the types of behavior which may result in discipline:
 - (1) Drinking alcohol or the abuse of non-prescription or prescription drugs or other controlled substances on the job, or arriving on the job under the influence of or while in possession of alcohol, drugs, or other controlled substances.
 - (2) Violation of a lawful duty.
 - (3) Insubordination.
 - (4) Absence from work without first notifying and securing permission from the supervisor.
 - (5) Habitual absence or tardiness for any reason.
 - (6) Unsatisfactory job performance, as determined by the City.
 - (7) Conviction of a felony or a misdemeanor involving moral turpitude.
 - (8) Acceptance of fees, gratuities or other valuable items in the performance of the employee's official duties for the City.
 - (9) Inability, refusal or failure to perform the duties of the assigned job.
 - (10) Violation of duties or rules imposed by this manual, or by any other City rule, regulation or administrative order.
- (d) This list is not all-inclusive, but only serves as a general guide. The City may discipline or terminate employees for other reasons not stated above.
- (e) In the event that discipline is necessary, the following types of disciplinary actions may be used, depending on the particular situation:
 - (1) Oral Warning. An oral warning is a counseling session between the employee's supervisor and the employee on the subject of the employee's conduct and performance, or their failure to observe a rule, regulation, or administrative instruction. It is intended to increase an employee's efficiency and value to the City by changing

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the employee's conduct, attitude, habits, or work methods. Following the counseling session the supervisor shall document the oral warning.

- (2) Reprimand. A reprimand is a formal written disciplinary action for misconduct, inadequate performance, or repeated lesser infractions. Written reprimands are placed in the employee's personnel file.
 - (3) Suspension. A suspension is a temporary, unpaid absence from duty which may be imposed as a penalty for significant misconduct or repeated lesser infractions. A suspension is a severe disciplinary action which is made part of the employee's permanent record. Written notice of suspension of more than 24 hours will be provided to the employee pursuant to state law.
- (f) Suspensions with pay by placing the employee on administrative leave, may be utilized by the City Manager pending the results of an investigation or disciplinary action if the City Manager determines that factors such as public confidence, the safety of the employee or the efficient functioning of the City warrant such a suspension.

Termination

- (a) An employee may be terminated from City employment for any of the reasons listed below.
- (1) During or at the end of the employee's probationary period.
 - (2) As a result of disciplinary action.
 - (3) Due to loss of skills, certifications or other conditions which would make the employee unfit for service.
 - (4) If the employee has a physical or mental impairment that prevents the employee from performing the required duties of the employee's position and the employee cannot be reasonably accommodated. Termination must be supported by medical evidence which establishes that the individual is unable to perform bona fide job requirements. The City may require an examination at its expense performed by a physician of its choice. Failure to submit to such request may result in termination.
 - (5) Whenever the City Manager determines to make changes deemed to be in the best interest of the City.
- (b) If an employee is terminated they will receive written notice pursuant to state law.

Section 2 Layoff and Re-employment: An employee in the competitive service may be laid off without the right of appeal because of either the abolishment of their position or a determination by the City Council that there is a shortage of work or funds.

Employees to be laid off shall be given at least fourteen (14) days prior written notice. The notice of layoff shall contain a statement by the cognizant Department Head (or by the City Manager, in the case of layoff of a Department Head or members of the Manager's staff) certifying whether or not the employee's services have been satisfactory. When certified as having given satisfactory service, the employee's name shall be placed upon a re-employment list

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as provided below, and the right of appeal shall not apply. When not certified as having given satisfactory service, the employee laid off may appeal the action as provided in the Rules.

The order of layoff of employees shall be established by the City Manager upon consultation with the Department Head involved. The City Manager shall take into consideration the job performance and length of service of employees in preparing a recommended layoff list. No regular or probationary employee shall be laid off from their position while any emergency or provisional employee is serving in the same class in the City service.

The names of regular and probationary employees laid off or demoted in lieu of layoff shall be placed upon re-employment lists for one year for those classes requiring basically the same qualifications, duties and responsibilities of the class from which layoff or demotion in lieu of layoff was made.

Persons whose names are placed on re-employment lists in accordance with this Section, and who are re-employed within the prescribed period, shall be regarded as having been on leave of absence during this period of absence.

Section 3 Severance Pay: When a full-time City employee is laid off pursuant to Rule X, Section 2 of these rules, and when the service of this employee being laid off has been deemed satisfactory, that employee shall be entitled to receive severance pay as follows:

Length of Service	Severance Pay
Date of hire to completion of two years of service.	None
Two years plus one day to 5 years of service.	1 month salary
5 years plus one day to 10 years of service	2 months salary
10 years plus one day to 15 years of service.	3 months salary
15 years plus one day to 20 years of service	4 months salary
20 years plus one day to 25 years of service	5 months salary
25 years plus one day or more	6 months salary

Any additional years of service purchased by the City toward retirement benefits (golden handshake) shall be deducted from the employee's severance pay provided for above.

Section 4 Resignation: An employee wishing to leave the competitive service in good standing shall file with his Department Head 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 such official. The Department Head shall endorse the written resignation, stating whether or not the resigning employee's performance was satisfactory. Other pertinent information may be included. The written notice or resignation shall then be filed with the City Manager. Failure to give notice as required by this Rule may be cause for denying future employment by the City.

A Department Head or other member of the City Manager's staff who wishes to resign shall be subject to the above procedures, except that such written resignations must be originally filed with the City Manager.

Section 5 Exit Interview and Evaluation Report: The City Manager or his delegate shall conduct an exit interview with all regular employees upon their separation from service.

RULE XI. APPEALS AND HEARINGS

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Section 1 Right of Appeal: Any regular employee in the competitive service shall, within seven (7) days, have the right to appeal any suspension of more than 24 hours, interpretation or alleged violation of the Personnel Ordinance or Rules except in instances where the right of appeal is specifically prohibited by the Personnel Ordinance or these Rules. Such appeals must follow the procedures outlined below in the order described.

Section 2 Procedure for Appeal to the Department Head: An employee who wishes to file a formal appeal must initially do so in writing to their Department Head. The complaint shall be in written form and must be signed. The Department Head shall conduct an official hearing at a time not less than three (3) or more than five (5) working days following receipt of the complaint. The Department Head shall permit all concerned parties to provide testimony at the hearing, either orally or in written form. Upon conclusion of the hearing, the Department Head shall communicate their decision in writing to the aggrieved party; further, a written summary of the case shall be provided to the City Manager. Should the employee find the Department Head's decision to be unsatisfactory, he may then appeal to the City Manager, as outlined below:

Section 3 Procedure for Appeal to the City Manager: Appeals shall be in writing. Such complaint must be signed by the employee and filed with the City Manager. The City Manager shall conduct an official hearing at a time not less than five (5) nor more than ten (10) working days following receipt of the complaint. The City Manager shall permit all concerned parties to provide testimony at the hearing, either orally or in written form. Within a reasonable time, the City Manager shall render a decision in the case, and his action shall be reported to the employee via his Department Head, in writing, in the form of an endorsement on the original written complaint and all copies thereof. The decision of the City Manager will be final.

RULE XII. TRAINING OF EMPLOYEES

Section 1 Purpose of Training Program and Policy: It is the policy of the City of San Dimas to develop maximum efficiency in the performance of official duties by City employees by providing for their training and by assisting them in fulfilling their broad duties and responsibilities as well-informed citizens of the community.

The Assistant City Manager/Director of Administrative Services or designated training officer, shall supervise and control all training programs and be responsible for such programs. The programs shall be designed to provide for an effective public service, economy of operation; building and retention of a permanent cadre of skilled and efficient City employees; uniform administration of training; and fair and equitable treatment of City employees with respect to availability of and compensation for, training and continued education.

The development of a continuous program of post-entry training as a part of the normal operation of City administration shall be encouraged.

Section 2 City Manager to Promulgate Regulations: The City Manager or designated training officer may prescribe regulations containing the principles, standards, and related requirements of the programs for training employees of the departments. Such regulations shall provide for the maintenance of information concerning training activities in each department, and such other information as may be necessary to enable the City Manager to

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discharge effectively his duties and responsibilities for supervision, control, and review of training and continued education.

The City Manager or designated training officer shall inform employees that successful completion of approved training programs shall be considered in making advancement and promotions. Evidence of such activity shall be reported on such forms and in such manner as the City Manager may prescribe.

From time to time and in accordance with this rule, the City Manager may revise, supplement, or prescribe additional regulations to implement the policies herein.

Section 3 Limitations: Reimbursement to employees for tuition incurred in undertaking approved training and education programs will be made only upon successful completion of such course or program and only provided the educational experience was undertaken at an approved or accredited agency or institution. Further, each employee seeking tuition reimbursement must receive budgetary approval from the City Manager prior to enrollment.

The City Manager or designated training officer is authorized to prescribe other limitations with respect to the time which may be spent by an employee in training and the amount of tuition reimbursement allowed per employee each year. He is authorized to waive any or all of the restrictions in this section.

RULE XIII. REPORTS AND RECORDS

Section 1 Personnel Files: The Assistant City Manager/Director of Administrative Services and delegated staff shall maintain a personnel file 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, job description, training received, performance evaluations, personnel actions affecting the employee, including discipline, and such other information as may be considered pertinent. Access is limited to the employee's immediate Supervisor, Department Director, City Manager and designated personnel staff as needed.

An employee may review his own personnel file upon reasonable request, at a time and place designated by the City Manager or delegated staff. An employee may request removal of what the employee believes to be irrelevant or erroneous information in their personnel file. If the City denies the employee's request to remove the information, the employee may file a written rebuttal statement to be placed in their file.

Personnel records are not subject to public scrutiny, except as provided in Rule V, Section 6, of these Rules. All documents and records containing personnel related information such as exams, test results, performance evaluations etc. are kept confidential to the maximum extent permitted by law. Except for routine verifications of employment, no information from an employee's personnel file will be released to the public, including the press, without a written request for specific information.

Section 2 Personnel Action Report: Every appointment, transfer, promotion, demotion, change of salary rate, and any other temporary or permanent change in status of employees shall be documented by a personnel action form or other authorized document

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approved by the City Manager and/or the Assistant City Manager/Director of Administrative Services.

Section 3 References: The City does not give references, other than to confirm the dates of employment and last salary, without the express written consent of the employee. Only the City Manager, Assistant City Manager/Director of Administrative Services or designated staff member will provide employment references on current or former regular City employees.

RULE XIV. LEAVES

Section 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 Finance Manager on the dates specified and in the form of a biweekly time card. Failure on the part of an employee, absent without leave, to return to duty within 24 hours after notice to return may be cause for immediate discharge, and such employee automatically waives all rights under the Personnel Ordinance and these Rules. The depositing in the United State mail of a first class letter postage paid, addressed to the employee's last known place of address, shall be reasonable notice.

Section 2 Military Leave:

Military leave shall be granted in accordance with the provisions of state and federal law. An employee requesting leave for this purpose shall provide his/her direct supervisor, whenever possible, with a copy of the military orders specifying the dates, site and purpose of the activity or mission. Within the limits of such orders, the direct supervisor may determine when the leave is to be taken and may modify the employee's work schedule to accommodate the request for leave.

Section 3 Jury Duty: Every regular full time employee of the City who is called or required to serve as a trial juror shall be entitled to absent themselves 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. When under such circumstances, the employee shall be paid his or her full salary. Government employees do not receive a stipend for jury service from the courts the only reimbursement is for travel which is retained by the employee.

Section 4 Leave of Absence Without Pay: An employee in the competitive service may be granted a leave of absence without pay for absences from work not covered by any other type of leave or if leave balances are exhausted, in accordance with the provisions of this section.

A leave of absence granted to any employee shall not create a vacancy in his position. For the duration of any such leave of absence, the duties of the position may be performed by another employee from the classified service or by a provisional appointment, as otherwise provided in these Rules.

A Department Head may grant a regular or probationary employee leave of absence without pay for a period of one calendar week or less. Such leaves shall be reported to the City Manager.

The City Manager may grant a regular or probationary employee leave of absence without pay, seniority, or fringe benefit accrual for a period of six (6) months or less.

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Upon the recommendation of the City Manager and approval of the City Council, an employee having permanent status may be granted leave of absence without pay, seniority, or accrual of fringe benefits, for a period not to exceed one year.

No such leave shall be granted except upon written request of the employee, setting forth the reason for the request, and the approval shall be in writing. Upon expiration of regularly approved leave or within a reasonable period of time after notice to return to duty, the employee shall be reinstated to the applicable position and salary step held at the time leave was granted. Failure on the part of any employee on leave to report promptly at its expiration, or within a reasonable time after notice to return to duty, shall be cause for discharge. The depositing in the United States mail of first class letter postage paid, addressed to the employee's last known address shall be reasonable notice.

Use of a leave of absence for a purpose other than that requested shall be cause for forfeiture of reinstatement rights.

Section 5 Time Off - SDEA Board: Members of the San Dimas Employees' Association Board shall be entitled to utilize four hours per month with pay to engage in activities directly related to management of the SDEA. (Amended per Resolution 89-54, 6/13/89)

Section 6 Administrative Leave: (Amended Resolution 89-54, 6/13/89)

- A. Administrative Leave shall be granted to certain personnel as designated by the City Manager in recognition that management employees are declared exempt under Fair Labor Standard Act guidelines and therefore not entitled to receive overtime compensation.
- B. The City Manager shall have the authority to determine the amount of Administrative Leave for each management position in the City in accordance with the following:
 1. the level of the management position
 2. the degree of responsibility given the position
 3. the amount of hours beyond the normal work week required of that particular position because of required attendance at commission and community meetings, city sponsored events and responsibilities assigned to the position
 4. the administrative leave program is not intended to provide equal leave time for extended work hours
- C. The use of Administrative Leave will be authorized as the department workload and schedules permit.
- D. Administrative Leave will become effective January 1 of each year, and may be used during the course of the year until December 31st of the same year.
- E. After January 1 of each calendar year, a newly appointed manager (or an individual promoted from a management position designated to receive less Administrative Leave) shall receive a prorated portion of Administrative Leave.

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- F. Administrative Leave shall not be accumulated from one calendar year to the next, nor will compensation be made for unused Administrative Leave. In the case of extraordinary circumstances, carryover of unused Administrative Leave from one calendar year to the next may be allowed upon prior written approval of the City Manager.
- G. The attached list of positions has been established, designating the amount of Administrative Leave to be granted for individual management positions in the City, based upon the criteria set forth in Section B of this Policy. The list must have the approval of the City Manager to be effective.
- H. Employees who are involved in extraordinary major projects or assignments may be granted additional Administrative Leave, but in no case shall exceed a maximum of 80 hours of Administrative Leave in any calendar year. Any additional hours must be recommended by the department director to the City Manager. The City Manager has the sole discretion to grant or deny additional hours of Administrative Leave. If additional hours are approved they are subject to the same use provisions as identified in this Policy.

PROCEDURE:

- A. Requests for use of Administrative Leave shall be authorized on a Leave Request form.
- B. The Leave Request form shall be completed and submitted to the respective Department Director or in the case of Department Directors to the City Manager, for approval.

POSITION ELIGIBILITY:

The following positions are eligible to receive 80 hours of Administrative Leave per calendar year:

- City Manager
- Assistant City Manager/Director of Administrative Services
- Assistant City Manager of Community Development
- Director of Development Services
- Director of Parks and Recreation
- Director of Public Works
- Facilities Manager
- Recreation Manager
- Planning Manager

The following positions are eligible to receive 60 hours of Administrative Leave per calendar year:

- Senior Engineer
- Public Works Superintendent

The following positions are eligible to receive 40 hours of Administrative Leave per calendar year:

- City Clerk
- Associate Planner
- Assistant Planner
- Landscape Maintenance Manager

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The following positions are eligible to receive 20 hours of Administrative Leave per calendar year:

Finance/Information Systems Manager
Housing Manager
Senior Code Compliance Officer
Building and Safety Superintendent
Associate Engineer

(Resolution 02-37 eff. 06/23/02)

RULE XV. HOLIDAYS

Section 1 Holidays Designated: The holidays to be observed by this City, and for which pay is allowed for eligible City officers and employees, are:

- A. January 1 - New Year's Day
- B. Third Monday in January – Martin Luther King's Birthday
- C. The third Monday in February – President's Day
- D. The last Monday in May - Memorial Day
- E. July 4 - Independence Day
- F. The first Monday in September - Labor Day
- G. November 11 - Veteran's Day
- H. The Thursday in November appointed as Thanksgiving Day
- I. Friday - the day after Thanksgiving
- J. December 24 – Christmas Eve
- K. December 25 – Christmas Day
- L. December 31 – New Year's Eve

Any such other days which are declared holidays by the City Council.

Full-time employees will be paid for the total hours they would have been scheduled to work the day of the holiday.

Regular part-time employees will be paid at the rate of one-half (1/2) the number of hours the employee would have been scheduled to work that day. If an employee is required to work on a holiday, they will receive time and one-half (1-1/2) for hours worked. If the holiday falls on a day when the employee would not have been scheduled to work, no holiday hours will be paid.

When a holiday falls on a Sunday, the following Monday shall be observed; if a holiday falls on a Saturday, the preceding Friday shall be a holiday. Those employees working a 4-10 schedule will have the same consideration when a holiday falls on a Monday or Friday. Those employees working a 9/80 schedule will have the same consideration when a holiday falls on the scheduled Friday off.

No employee shall be required to be on duty on a holiday unless the employee's services are required in the interests of the public health, safety, or general welfare. (Res. No. 78-7, January 24, 1978; Res. No. 76-56, July 13, 1976; Res. No. 82-86, October 26, 1982)

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RULE XVI. VACATION LEAVE

Section 1 Annual Vacation Leave: The purpose of vacation leave is to enable each eligible employee to return to work mentally refreshed. Salaried and regular part time hourly employees in the competitive service shall be entitled to vacation leave with pay except the following:

- A. Employees who have not yet completed their initial probationary period with the City, except as may be allowed by the City Manager in special circumstances. However, vacation credits for the time shall be granted to each such employee who later receives a permanent appointment.
- B. Employees who work on a provisional basis and all employees who are not regularly employed in a permanent position.
- C. All full time employees shall be required to take a minimum of forty (40) consecutive hours vacation each year. Holiday hours may be counted toward the forty consecutive hours of time off. (Resolution 89-54)

Vacation credit shall be granted biweekly to each salaried employee at a rate according to his total years' service with the City, as shown below:

Years of Service Full Time Employees	Bi-Weekly Accrual Hours	Vacation Hours per Year	Maximum Accrual
0 to 5	4.31	112	280
5 to 10	4.93	128	320
10 to 15	5.54	144	360
15+	6.16	160	400

Vacation hours for regular part time employees are accrued based on years of service. The vacation hour accrual table for regular part time employees is as follows:

Years of Service Regular Part Time Employees	Bi-Weekly Accrual Hours	Annual Accrual	Maximum Accrual
0 to 5	2.16	56	140
5 to 10	2.47	64	160
10 to 15	2.77	72	180
15+ years	3.08	80	200

(Amended by Resolution 98-32, 6/11/98)

In the event one or more municipal holidays fall within an annual vacation leave, such holidays shall not be charged as vacation leave, and the vacation leave shall be adjusted accordingly.

An employee may accumulate unused vacation leave up to a maximum of two and one-half (2.5) times the number of hours due annually, except that under extraordinary circumstances and when the best interests of the City so require, the City Manager may permit a temporary accumulation of vacation in excess of the maximum. Thus, under normal circumstances, annual vacation leave shall not accrue nor accumulate in excess of the amounts listed below:

Years of Service	F. T. Vacation Hours Per Year	Maximum Accumulation	P. T. Vacation Hours Per year	Maximum Accumulation
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0 to 5	112	280	56	140
5 to 10	128	320	64	160
10 to 15	144	360	72	180
15+	160	400	80	200

(Amended per Resolution 89-54, 6/13/89; Resolution 98-32, 6/11/98)

Upon termination, payoff of vacation will match maximum accrual formulas as outlined in the Personnel Rules and Regulations. These accumulated vacation days may be converted into either a lump sum cash payment or a vacation leave taken immediately prior to the effective date of termination (Res. No. 80-66, July 22, 1980).

The times during a calendar year at which an employee may take vacation shall be determined by the Department Head and/or Manager, with due regard for the needs of the service. An employee may take up to one hundred and twenty (120) consecutive hours vacation if authorized by the Department Head. Requests for vacation exceeding one hundred and twenty (120) consecutive hours may be granted if approved by the City Manager. (Res. 81-13, March 24, 1981; Res. 80-66, July 22, 1980; Res. 82-86, October 26, 1982).

RULE XVII. SICK, FAMILY & BEREAVEMENT LEAVE

Section 1 Sick Leave: Sick leave with pay shall be granted to all salaried and regular part time employees within the competitive service. Sick leave shall not be considered as a right which an employee may use at his discretion, but is to be regarded as term insurance which shall be allowed only in case of necessity and actual personal sickness, disability, or as otherwise stated in this Rule. Sick leave requests for doctor's appointments should be submitted with as much notice as possible.

Appropriate Use of Sick Leave:

A) Sick use may be used by an employee because of employee illness, injury or disability at medical, dental and optical appointments to the extent that such appointments cannot be scheduled outside the work day. When absent on sick leave, the employee may be required to file a physician's certificate at the discretion of the City Manager.

B) In accordance with the Family Assistance Law (California Labor Code 233) an employee may be granted use of up to one half of their annual accrual of sick leave because of illness, or injury of a member of the employee's immediate family requiring the employee's attendance.

1) An employee's immediate family shall consist of the employee's spouse, registered domestic partner, child, or a parent.

i) "Child" means a biological, foster or adopted child, a stepchild, a legal ward or a child of a person standing loco parentis.

ii) "Parent" means a biological, foster or adoptive parent, a stepparent, or a legal guardian of the employee.

Use of Family Assistance Sick leave will be subject to the same rules and verification requirements as employee sick leave.

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Sick leave for full-time salaried employees shall be earned at the rate of eight (8) hours per each calendar month of service. Sick leave for regular part-time employees shall be earned at the rate of four (4) hours for each calendar month of service.

Unused sick leave may be accumulated to an unlimited amount. For every day of sick leave accumulated over 200 hours, employees shall be permitted to convert hour for hour of sick leave into vacation leave. At any one time, no more than a total of 160 hours of sick leave shall be converted into 160 hours vacation leave, and days converted must be used as vacation upon conversion. A conversion request shall be accompanied by a vacation request. Sick leave converted into vacation leave shall not be used in conjunction with any form of separation of employment. Such conversion must also be consistent with the provisions of this rule which describes accruable and accumulative vacation leave. (Res. No. 78-55, July 25, 1978).

In order to receive compensation while absent on sick leave, the employee shall notify his immediate superior prior to the time set for beginning his daily duties. If the employee is absent from work due to illness then time off will first be deducted from any sick leave accrued balance. If the employee has exhausted their sick leave then vacation and/or comp time leave may be used for time off due to the illness.

Should an employee become ill while on official vacation leave, the City Manager may allow the time lost to be charged as sick leave. Such approval may be granted only upon written request of the employee and a positive recommendation to that effect by the responsible department head.

Unused sick leave will be forfeited upon separation from employment with the exception of the sick leave benefit for retiring employees as stated in Section 8.

Section 2 Family Sick Leave:

I. STATEMENT OF POLICY

The City of San Dimas ("City") provides family and medical care leave for eligible employees as required by state and federal law. The following provisions set forth certain of the rights and obligations with respect to such leave. Rights and obligations which are not specifically set forth below are set forth in the Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 ("FMLA"), and the regulations of the California Family Rights Act ("CFRA"). Unless otherwise provided by this article, "Leave" under this article shall mean leave pursuant to the FMLA and CFRA.

II. DEFINITIONS

A. "12-Month Period" means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.

B. "Child" means a child under the age of 18 years of age, or 18 years of age or older who is incapable of self care because of a mental or physical disability. An employee's child is one for whom the employee has actual day-to-day responsibility for care and includes, a biological, adopted, foster or step-child. A child is "incapable of self care" if he/she requires active assistance or supervision to provide daily self care in three or more of the activities of daily living or instrumental activities of daily living—such as, caring for grooming and hygiene, bathing,

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dressing and eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, etc.

C. "Parent" means the biological parent of an employee or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child. This term does not include parents-in-law.

D. "Spouse" means a husband or wife as defined or recognized under California State law for purposes of marriage.

E. "Registered Domestic Partner" is defined under Government Code section 297.

F. "Serious health condition" means an illness, injury impairment, or physical or mental condition that involves:

1. Inpatient Care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, or perform other regular daily activities due to the serious health condition, treatment involved, or recovery therefrom); or

2. Continuing treatment by a health care provider: A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

a. A period of incapacity (i.e., inability to work, or perform other regular daily activities) due to serious health condition of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

i. Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision by a health care provider, or by a provider of health care services (e.g., a physical therapist) under orders of, or on referral by a health care provider; or

ii. Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider. This includes for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter, and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.

b. Any period of incapacity due to pregnancy or for prenatal care. (This entitles the employee to FMLA leave, but not CFRA leave. Under California law, an employee disabled by pregnancy is entitled to pregnancy disability leave.)

c. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

i. Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;

ii. Continues over an extended period of time (including recurring episodes of a single underlying condition); and

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iii. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave even if the absence lasts only one day.

d. A period of incapacity which is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

e. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

G. "Health Care Provider" means:

1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of California;

2. Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, who directly treats or supervises treatment of a serious health condition;

3. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;

4. Nurse practitioners and nurse-midwives and clinical social workers who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;

5. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; and

6. Any health care provider from whom an employer or group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

H. "Active Duty" means duty under a call to order of active, retired, reserves, or National Guard members of the United States Armed Forces by law or any other provision of law during a war or national emergency declared by the President or Congress.

I. "Contingency Operations" means a military operation that is:

1. Designated by the Secretary of Defense as an operation in which members of the United States Armed Forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

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2. That results in the call to order of active duty members of the United States Armed Forces by law or any other provision of law during a war or national emergency declared by the President or Congress.

J. "Covered Servicemember" means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

K. "Outpatient Status", with respect to a covered servicemember, means the status of a member of the Armed Forces assigned to:

- 1.** A military medical treatment facility as an outpatient; or
- 2.** A unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

L. "Next of Kin", used with respect to an individual, means the nearest blood relative of that individual.

M. "Serious Injury or Illness", in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

N. "Qualifying Exigency" (necessity or emergency) is defined by the United States Secretary of Labor in the Department of Labor regulations.

III. REASONS FOR LEAVE

Leave is only permitted for the following reasons:

- A.** The birth of a child or to care for a newborn of an employee;
- B.** The placement of a child with an employee in connection with the adoption or foster care of a child;
- C.** Leave to care for a child, parent or a spouse who has a serious health condition;
- D.** Leave because of a serious health condition that makes the employee unable to perform the functions of his/her position;
- E.** Leave for a "qualifying exigency" may be taken arising out of the fact that an employee's spouse, son, daughter, or parent is on active military duty or has been notified of an impending call or order to active duty in support of a contingency operation involving the United States Armed Forces; or
- F.** Leave to care for a spouse, son, daughter, parent, or "next of kin"

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servicemember of the United States Armed Forces who has a serious injury or illness incurred in the line of duty while on active military duty (unlike other reasons, this leave can run up to 26 weeks of unpaid leave during the 12-month period).

IV. EMPLOYEES ELIGIBLE FOR LEAVE

An employee is eligible for leave if the employee:

- A.** Has been employed for at least 12 months; and
- B.** Has been employed for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

V. AMOUNT OF LEAVE

Eligible employees are entitled to a total of 12 work weeks of leave during any 12-month period.

A. Minimum Duration of Leave

If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g., bonding with a newborn) for at least one day, but less than two weeks duration on any two occasions.

If leave is requested to care for a child, parent, spouse or the employee him/herself with a serious health condition, there is no minimum amount of leave that must be taken. However, the notice and medical certification provisions of this policy must be complied with.

B. Spouses Both Employed by the City

In any case in which a husband and wife both employed by the City are entitled to leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 work weeks during any 12-month period if leave is taken for the birth or placement for adoption or foster care of the employees' child (i.e., bonding leave). This limitation does not apply to any other type of leave under this policy.

VI. EMPLOYEE BENEFITS WHILE ON LEAVE

Leave under this policy is unpaid. While on leave, employees will continue to be covered by the City's group health insurance to the same extent that coverage is provided while the employee is on the job. However, employees receiving a cell phone allowance, car allowance, or any other non-health benefit will not receive these benefits while on FMLA/CFRA-qualifying leave.

Employees may make the appropriate contributions for continued coverage under the preceding non-health benefit plans by payroll deductions or direct payments made to these plans. Depending on the particular plan, the City will inform you whether the premiums should be paid to the carrier or to the City. Your coverage on a particular plan may be dropped if you are more than 30 days late in making a premium payment. However, you will receive a notice at least 15

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days before coverage is to cease, advising you that you will be dropped if your premium payment is not paid by a certain date. Employee contribution rates are subject to any change in rates that occurs while the employee is on leave.

If an employee fails to return to work after his/her leave entitlement has been exhausted or expires, the City shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his/her family member which would entitle the employee to leave, or because of circumstances beyond the employee's control. The City shall have the right to recover premiums through deduction from any sums due the City (e.g., unpaid wages, vacation pay).

VII. SUBSTITUTION OF PAID ACCRUED LEAVES

While on leave under this policy, as set forth herein, an employee may elect to concurrently use paid accrued leaves. Similarly, the City may require an employee to concurrently use paid accrued leaves after requesting FMLA and/or CFRA leave, and may also require an employee to use family and medical care leave concurrently with a non-FMLA/CFRA leave which is FMLA/CFRA-qualifying.

A. Employee's Right to Use Paid Accrued Leaves Concurrently With Family Leave

Where an employee has earned or accrued paid vacation, administrative leave or compensatory time, that paid leave may be substituted for all or part of any (otherwise) unpaid leave under this policy.

As for sick leave, an employee is entitled to use sick leave concurrently with leave under this policy if:

1. The leave is for the employee's own serious health condition; or
2. The leave is needed to care for a parent, spouse or child with a serious health condition, and would be permitted as sick leave under the City's sick leave policy.

B. The City's Right to Require an Employee to Use Paid Leave When Using FMLA/CFRA Leave.

Employees must exhaust their accrued leaves concurrently with FMLA/CFRA leave to the same extent that employees have the right to use their accrued leaves concurrently with FMLA/CFRA leave, with two exceptions:

1. To the extent required by law, employees are not required to use accrued compensatory time earned in lieu of overtime earned pursuant to the Fair Labor Standards Act; and
2. Employees will only be required to use sick leave concurrently with FMLA/CFRA leave if the leave is for the employee's own serious health condition.

C. The City's Right to Require an Employee to Exhaust FMLA/CFRA Leave Concurrently With Other Leaves.

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If an employee takes a leave of absence for any reason which is FMLA/CFRA-qualifying, the City may designate that non-FMLA/CFRA leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement. This includes employees on leave pursuant to Long Term Disability and/or Workers' Compensation.

D. The City and Employee's Rights if an Employee Requests Accrued Leave Without Mentioning Either the FMLA or CFRA.

If an employee requests to utilize accrued vacation leave or other accrued paid time off without reference to a FMLA/CFRA-qualifying purpose, the City may not ask the employee if the leave is for a FMLA/CFRA-qualifying purpose. However, if the City denies the employee's request and the employee provides information that the requested time off is for a FMLA/CFRA-qualifying purpose, the City may inquire further into the reason for the absence. If the reason is FMLA/CFRA-qualifying, the City may require the employee to exhaust accrued leave as described above.

VIII. MEDICAL CERTIFICATION

Employees who request leave for their own serious health condition or to care for a child, parent or a spouse who has a serious health condition must provide written certification from the health care provider of the individual requiring care if requested by the City.

If the leave is requested because of the employee's own serious health condition, the certification must include a statement that the employee is unable to work at all or is unable to perform the essential functions of his/her position.

Employees who request leave to care for an injured servicemember who is a child, spouse, parent, or "next of kin" of the employee must provide written certification from a health care provider regarding the injured servicemember's serious injury or illness.

A. Time to Provide a Certification

When an employee's leave is foreseeable and at least 30 days notice has been provided, if a medical certification is requested, the employee must provide it before the leave begins. When this is not possible, the employee must provide the requested certification to the City within the time frame requested by the City (which must allow at least 15 calendar days after the employer's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

B. Consequences for Failure to Provide an Adequate or Timely Certification

If an employee provides an incomplete medical certification the employee will be given a reasonable opportunity to cure any such deficiency. However, if an employee fails to provide a medical certification within the time frame established by this policy, the City may delay the taking of FMLA/CFRA leave until the required certification is provided.

C. Recertification

If the City has reason to doubt the validity of a certification, the City may require a medical opinion of a second health care provider chosen and paid for by the City. If the second opinion is different from the first, the City may require the opinion of a third provider jointly approved by the City and the employee, but paid for by the City. The opinion of the third provider will be binding.

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An employee may request a copy of the health care provider's opinions when there is a recertification.

D. Intermittent Leave or Leave on a Reduced Leave Schedule

If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

IX. EMPLOYEE NOTICE OF LEAVE

Although the City recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much notice as possible of their need for leave. If leave is foreseeable, at least 30 days' notice is required. In addition, if an employee knows that he/she will need leave in the future, but does not know the exact date(s) (e.g. for the birth of a child or to take care of a newborn), the employee shall inform his/her supervisor as soon as possible that such leave will be needed. Such notice may be orally given. If the City determines that an employee's notice is inadequate or the employee knew about the requested leave in advance of the request, the City may delay the granting of the leave until it can, in its discretion, adequately cover the position with a substitute.

X. DESIGNATION OF LEAVE

The City designates leave, paid or unpaid, as FMLA/CFRA-qualifying, and shall provide written notice of the designation to the employee. Except in the following two circumstances, the City shall not designate leave as FLMA/CFRA-qualifying leave after the employee had returned to work:

A. If the employee was absent for a FMLA/CFRA-qualifying reason and the employer did not learn the reason for the absence until the employee's return, the employer may, upon the employee's return to work, promptly (within two business days of the employee's return to work) designate the leave retroactively with appropriate notice to the employee. If leave is taken for a FMLA/CFRA-qualifying reason, but the employer was not aware of the reason, and the employee desires that the leave be counted as a FMLA/CFRA-qualifying leave, the employee must notify the employer within two business days of returning to work of the reason for the leave. In the absence of such timely notification by the employee, the employee may not subsequently assert FMLA/CFRA-qualifying protections for the absence.

B. An employer may retroactively designate leave as FMLA/CFRA-qualifying leave if it is ultimately confirmed as FMLA/CFRA-qualifying and the employer knew the reason for the leave but was unable to determine if the leave was qualified under the FMLA/CFRA, or where the employer requested medical certification which had not yet been received, or the parties were obtaining a second or third medical opinion.

XI. REINSTATEMENT UPON RETURN FROM LEAVE

A. Right to Reinstatement

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Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Employees have no greater rights to reinstatement, benefits and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period.

If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If the reinstatement date differs from the original agreement of the employee and City, the employee will be reinstated within two business days, where feasible, after the employee notifies the employer of his/her readiness to return.

If upon return from FMLA or CFRA leave an employee is unable to perform the essential functions of his/her job because of a physical or mental disability (whether perceived or actual), the City will initiate an interactive process with the employee in order to identify a potential reasonable accommodation.

B. Employee's Obligation to Periodically Report on His/Her Condition

Employees may be required to periodically report on their status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.

C. Fitness-for-Duty Certification

As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform his/her job, the employee must obtain and present a fitness-for-duty certification from a health care provider that the employee is able to resume work. Employees are to utilize the City's Medical Certification Form. Failure to provide such certification will result in denial of reinstatement.

D. Reinstatement of "Key Employees"

The City may deny reinstatement to a "key" employee (i.e., an employee who is among the highest paid 10 percent of all employed by the City within 75 miles of the work site) if such denial is necessary to prevent substantial and grievous economic injury to the operations of the City, and the employee is notified of the City's intent to deny reinstatement on such basis at the time the City determines that such injury would occur.

XII. REQUIRED FORMS

Employees must fill out the following applicable forms in connection with leave under this policy:

A. The City's Leave Request Form. The City will provide a response to each employee's request, which will set forth certain conditions of the leave.

B. Medical certification—either for the employee's own serious health condition or for the serious health condition of a child, parent or spouse;

C. Authorization for payroll deductions for benefit plan coverage continuation; and

D. The City's Medical Certification Form (Fitness to Work).

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Section 3 Long Term Disability Leave: The City contracts with Guardian for long term disability insurance ("LTD") and life insurance for full time employees and for regular part time employees (30 hours per week or more – per Guardian requirements). Except as provided in the section "Supplemental Benefits While on Workers' Compensation Leave" below, during the first 30 calendar days of absence from work the employee must use any accrued or earned sick, vacation or compensatory time available. After the expiration of the first 30 calendar days, the LTD supplement will begin.

Guardian pays up to 66.67% or a maximum of \$5,000 per month based on the employees earnings at the time of the disability. After the expiration of the first 30 calendar days, the monetary amount granted to the employee by Guardian shall be supplemented by the City to make the total remuneration received by the employee equal to his regular wages as long as accrued or earned sick, vacation or compensatory time is available. The employee's accrued or earned sick, vacation or compensatory time will be charged at a rate proportionate to the percentage of said employee's regular wages that is not paid by Guardian. In order for the employee to receive such benefits, he must remit his entire Guardian Compensation check during this period to the City of San Dimas.

If an employee has no accrued or earned sick, vacation or compensatory time available or if such leave has been used, then the employee is only paid through the payroll for the amount of hours Guardian is supplementing. However, during an employee's long term disability, bi-weekly vacation and sick leave will continue to accrue, and the City will pay the employee for such leave.

Optional benefits plan will remain active per the requirements of FMLA and CFRA or until such a time as the disability is determined to be permanent and/or accommodations can or cannot be met for employees to maintain benefits. If an employee receives car allowance and/or cell phone allowance, that allowance will be suspended until the employee returns to work.

Before an employee can return to work a Medical Certification Form (Fitness to Work) must be completed by the employee's physician.

The City designates any long term disability leave, paid or unpaid, as FMLA and/or CFRA-qualifying leave (assuming the employee is otherwise qualified for FMLA and/or CFRA leave), and will notify the employee that FMLA and/or CFRA is being used by the employee.

Supplemental Benefits While on Workers' Compensation Leave: If any employee sustains a work-related injury on the job and such injury is recognized as qualifying for coverage by the self-insurance administrators, the monetary amount granted to the employee by the administrators shall be supplemented by the City to make the total remuneration received by the employee equal to his/her regular wages. This provision shall apply only up through the first thirty (30) calendar days of absence from work. During this 30-day period, vacation, sick leave and earned compensatory time shall not be deducted from the absent employee's account. Vacation and sick leave shall also continue to accrue and be accumulated during this initial 30-day period. In order for the employee to receive such benefits, he/she must remit his entire Workers' Compensation check during this period to the City of San Dimas.

At the end of the aforementioned thirty-day period, an employee shall begin to be charged vacation, sick or earned compensatory time at a rate proportionate to the percentage of said employee's salary paid by the City during the first thirty days receipt of Workers' Compensation and may be integrated with the City's long term disability plan. The City designates any long term

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workers comp leave, paid or unpaid, as qualifying as FMLA and/or CFRA leave and will notify the employee that FMLA and/or CFRA leave is being used if the employee otherwise meets the eligibility requirements for such leave.

Should an officer or employee be detained from employment for a period of time in excess of accumulated personal leave, then the City shall stop payment of the supplement to the Workers' Compensation benefits after the last day of personal leave has been expended. (Res. No. 78-7, January 24, 1978; Res. No. 82-86, October 26, 1982).

Any person who performs voluntary service without pay for the City is eligible to receive and shall receive the same workers' compensation coverage as any non-volunteer employee of the City. Voluntary service without pay includes service performed by any person, who receives no remuneration other than meals, transportation, lodging, or reimbursement for incidental expenses. (Res. No. 86-25, April 22, 1986).

Pregnancy Disability Leave

An employee who is disabled because of pregnancy, miscarriage, abortion, childbirth, or a related medical condition is entitled to an unpaid pregnancy disability leave for up to four months.

Requests for pregnancy disability leave must be submitted in writing to the employee's direct supervisor. Where it is foreseeable that the employee will need to take pregnancy disability leave, notice should be provided to the employee's direct supervisor at least thirty (30) days in advance of the first day of leave. If such notice is not possible, such as during an emergency or unforeseen complication, the employee is required to give notice as soon as practicable.

The request must be supported by a written certification from the attending physician stating that the employee is disabled from working by pregnancy, childbirth or a related medical condition. The certification must state the expected duration of the disability and the expected date of return to work.

Requests for an extension of leave must be submitted in writing to the direct supervisor prior to the agreed date of return and must be supported by a written certification of the attending physician that the employee continues to be disabled by pregnancy, childbirth, or a related medical condition. The maximum pregnancy disability leave is four months.

Pregnancy Disability Leaves are without pay. However, an employee on pregnancy leave must first utilize all accumulated sick leave and may elect to use any accrued vacation and compensatory time before being placed on a leave without pay status.

Upon the expiration of pregnancy leave and the City's receipt of a written statement from the health care provider that the employee is fit to return to duty, the employee will be reinstated in her original or an equivalent position, so long as it was not eliminated for a legitimate business reason during the leave. If the employee's original position is no longer available, the employee will be assigned to an open position that is substantially similar in job content, status, pay, promotional opportunities, and geographic location as the employee's original position. If upon return from leave an employee is unable to perform the essential functions of her job because of a physical or mental disability (whether perceived or actual), the City will initiate an interactive process with the employee in order to identify a potential reasonable accommodation.

Section 4 Bereavement Leave: With the City Manager's consent, an employee eligible for sick or vacation leave may use any sick or vacation leave accrued as needed in the case of death of such employee's spouse, children, parents, brothers, sisters, extended family

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members or other individuals whose relationship to the employee is that of a dependent or near dependent.

Section 5 Personal Leave:

a) Each employee may use three (3) days of sick or vacation leave each year as personal leave, for unforeseen absences provided that:

1. The employee notifies his or her supervisor in advance of the work shift.
2. Hours so taken are deducted from any sick or vacation leave bank or sick leave incentive program in effect at the time the leave is used. (Resolution No. 89-54, 6/13/79).

b) Additional sick or vacation leave may be granted, or leave with out pay at the discretion of the supervisor on a case by case basis. To alleviate misuse of Personal Leave, all leave is recorded. Supervisors may use discretion in approving Personal Leave in the case of prior use or abuse of the benefit.

Excessive use of unforeseen absences may be subject to disciplinary action.

Section 6 Sick Leave Incentive Program: The City shall establish a sick leave incentive program to encourage employees to use sick leave prudently. The program shall provide the opportunity for employees to benefit with some monetary value for unused sick leave. The program shall allow employees to annually sell back any unused sick leave accrued during that year at 50 percent (50%) of its value, providing the employee has 200 hours of accrued leave remaining on the books. The City Manager shall establish a written policy establishing and explaining the eligibility requirements and rules of the Sick Leave Incentive program.

Section 7 Sick Leave Pay Upon Retirement: Retiring employees shall be paid for up to 100 hours of unused sick leave at full value based upon the employee's pay rate at the time of retirement. Any additional sick leave on the books shall be paid at 50% of the value, based upon the employee's pay rate at the time of retirement.

RULE XVIII. COMPENSATION

Section 1 Pay Plan: The City Manager shall prepare, or cause to be prepared an annual Pay Plan. The Pay Plan shall include the suggested salary or salary range for all positions in the City service, listed by classification title. In arriving at his proposed salaries, the City manager may consider the prevailing rates of pay for comparable work in other public employment, the cost-of-living index, the City's financial condition, and all other pertinent information. The Pay Plan also provides the staff positions that will receive a monthly car allowance stipend. All other employees that use their personal vehicle to attend meetings or conduct City business will be reimbursed at the current rate per mile adopted by the IRS. The Pay Plan will also state the current rate adopted by the City Council for the Optional Benefit Plan and monthly cell phone allowance as designated by position.

The City Manager may submit a Pay Plan amendment to the City Council at any time and shall do so when so requested by the City Council.

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Section 2 Adoption of Plan: The City Manager shall submit the proposed Pay Plan to the City Council. The 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 scheduled for that class of position, except as authorized under Section 7 of this Rule.

Section 3 Appointments: An employee entering City service, or resuming service following resignation, shall be appointed to the minimum step of the salary range of the class to which appointed. An employee re-entering City service following a layoff shall be appointed at the salary step held at the time of layoff, such step to fall within the range of the classification to which reappointed. The City Manager may initially appoint any such employee to a higher step within that range if he considers such an appointment to be in the best interests of the City.

Section 4 Salary Review Date: An employee's initial salary review date shall be the expiration date of the probation period for the class to which appointed. Should an employee's probation period be extended as provided in Rule VIII, the salary review date shall then be adjusted concurrently. Subsequent salary review dates shall then occur annually on the anniversary of the first review. The City Manager may waive these provisions to establish a new salary review date for an employee as he deems warranted and in the best interests of the City.

An evaluation of the employee's performance shall be submitted by the Department Head to the City Manager two weeks prior to each salary review date. The City Manager shall prepare a performance evaluation report for each Department Head and member of his staff upon the occasion of a salary review date or separation.

Each employee shall receive, upon request, a copy of each performance evaluation submitted on him; such receipt to occur when the City Manager's action is completed.

Section 5 Step Increase: Advancement within the salary range of any competitive classification shall be as follows:

Upon completion of the probation period for his/her classification, an employee shall be eligible for advancement to the next highest step within that salary range. The City Manager may grant an increase to the next highest step if the probationary period has been successful, as outlined in Rule VIII. Thereafter, an employee may receive a raise in pay to the next highest step in the range of his/her classification on an annual basis, provided, however, that such advances shall be based upon the increased service value of the employee as exemplified by his performance record, any special training undertaken, recommendation of his supervising officials and other pertinent evidence.

If he deems exceptional circumstances to exist, the City Manager may accelerate the salary advancement of a superior employee by granting him a raise of two or more steps within the appropriate range on any given salary review date.

Section 6 Adjustments for Promotion: In case of promotion, the employee will be paid the minimum rate of the appropriate pay range, or one pay step higher than his/her current pay rate, whichever is higher.

Section 7 Adjustments for Demotion: In the case of a disciplinary demotion, the employee's salary shall not be in excess of the maximum step of the pay range of the class to

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which he is demoted. In the case of a demotion caused by reorganization, the City Manager is authorized to grant a special "Y" rate to the demoted employee on a temporary basis. The "Y" rate shall describe a step higher than that allowed on the Pay Plan for the class to which demoted, and is to be used only to maintain temporary salary parity for an employee demoted as the result of a reorganization and/or downward range reclassification.

Section 8 Transfer: A change of an employee from one position to another in the same class shall not change that employee's salary review date.

Section 9 Range Reclassification: When the duties and responsibilities of a job classification have changed so greatly as to warrant the relative placement of that class on the Plan inequitable, the City Manager may recommend that the salary range for a particular classification be adjusted accordingly. Following consideration of all pertinent information, the City Council may adjust said range, either as part of or independently of the annual Pay Plan action.

Section 10 Overtime Compensation: It shall be the duty of the City Manager and Department Heads to conduct the City's business with a minimum amount of overtime. Overtime shall not be accrued under normal operating conditions.

The City Manager or appropriate Department Head and/or manager may grant the payment of overtime compensation to employees only under unusual circumstances and only when he deems such payment to be in the best interests of the City.

A non-exempt employee shall have the choice to receive overtime pay at the rate of one and one-half (1-1/2) times his or her regular rate or compensatory time off equal to one and one-half (1-1/2) times the overtime worked for each hour over 40 hours in any work week. Such compensatory time shall be taken at the convenience of the department with the approval of the Department Head. No more than 240 hours of compensatory time off may be accrued unless an employee has worked in a public safety activity, emergency response activity or seasonal activity, in which case no more than 480 hours of compensatory time may be accrued. (Res. No. 76-60, July 27, 1976) (Res. No. 86-26, April 20, 1986)

Section 11 Stand By and On Call Compensation: The purpose of the Standby Policy is to provide direction to designated field employees and provide information about the compensation and duties required for the assignment. This policy is intended for field employees who are placed on standby after their normal hours of work and on weekends and holidays. These employees are needed to provide emergency maintenance and support services in the community.

GUIDELINES

1. Standby duty is when qualified field personnel are designated to be on-call and prepared to respond to emergency calls for service after normal work hours, on weekends, and during holidays. Standby assignment shall apply to those employees whose residence is close enough to San Dimas to permit them to respond to a call in one-half (1/2) hour or less. The standby employee will be assigned a city issued cellular telephone that he or she shall be required to carry at all times while on stand-by duty.
2. While on standby duty, employees are required to do the following:

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- Be available by a City issued cellular telephone.
- Report to work within thirty minutes after notification.
- Refrain from activities which may impair the employee's ability to perform his/her duties.
- Respond to emergency situations based on a 24 hour/7 day week rotational system. Standby duty shall be for a one week period, commencing and concluding on Wednesdays.

3. The Director of Public Works or the Director of Parks and Recreation will determine if an employee is qualified to perform standby duty. A standby eligibility list will be established. A six (6) month standby rotation will be established with a minimum of four (4) volunteers for the standby eligibility list. The employee assigned standby duty will cover all holidays that fall within the scheduled week. The following criteria is used in determining which employees are eligible to be placed on standby duty:

- Judgment and ability to make sound decisions. Ability to safely evaluate a situation and determine if a supervisor should be notified.
- Knowledge and ability to perform required tasks based upon cross training.
- Experience and familiarization with City systems and operations.
- No excessive unexcused sick usage.

4. Safety should be a primary concern at all times. The standby employee is responsible for accessing the situation and determining if additional resources are needed. A designated supervisor shall be notified when back-up personnel are requested or when situations need further evaluation.

5. Standby hours will be compensated at the employee's straight time hourly rate. An employee on standby duty shall be compensated for one hour per day of the employee's hourly pay rate for each day on call on Monday through Friday. An employee on standby duty shall be compensated for two hours per day of the employee's hourly pay rate for each day on call on weekends (Saturday and Sunday) and during any city approved holiday(s).

6. Employees assigned to standby duty must receive proper authorization by supervisor to switch assigned standby duty with another employee who is eligible for standby duty.

7. Employees are not eligible for standby duty until they have completed their probationary period with a satisfactory evaluation. Any employee denied the opportunity to participate in the standby policy will be informed in writing of the reasons for the exclusion; the employee may apply for reconsideration after six months.

8. Employees will not be eligible for standby duty pay if the employee leaves work sooner than two hours prior to the end of the work day, does not attend work because of an illness, or is on leave status. An employee will be eligible to resume standby duty after the employee returns to regular duty.

9. The City may revoke standby pay and take appropriate disciplinary action if the employee on standby assignment does not respond within the required 30 minute response time when notified of the initial situation.

10. Supervisors, who have exempt status under the Fair Labor Standards Act (FLSA) guidelines, are not eligible for paid standby compensation.

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11. Call-Back Duty is defined as when an employee, whether or not on standby duty, is called in to work after his or her normal hours or on a weekend or holiday. These employees shall be compensated for a two-hour minimum at a pay rate of time and a half. The time starts when the employee responds to the request. All time in excess of the two-hour call-out minimum will be compensated at time and a half for the actual number of hours worked.

12. Multiple call outs will not be considered as separate call-outs if they occur within the same 2 hour minimum compensation period.

13. Standby workweek schedules shall be posted by the departments at the end of each month and shall cover an eight-week period.

14. In the interest of employee safety, a Supervisor at their discretion may alter the standby or regular schedule of an employee who has worked an extraordinary amount of call out hours within a given standby shift.

DUTIES

1. The standby employee may be contacted by Sheriff's Department, Fire Department, or other to respond to any after hour emergencies in the City. Employee is to obtain as much information via phone as to the details and extent of the emergency.
2. Employee must assess the situation and respond accordingly:
 - a. Respond to the emergency and take necessary steps to remedy the situation.
 - b. If the emergency is the responsibility of other agencies (traffic signal, Water Company, etc.), employee must contact and coordinate remedy of the situation with that agency. An emergency contact list and decision tree will be provided.
 - c. If employee needs further guidance as to how to handle the situation or needs additional employee resources, the employee must contact the pre-designated on-call supervisor.
 - d. Maintain a log of time spent responding to the request and actions taken.

Section 12 Emergency Compensation: An employee who is off duty and who has been recalled to duty or has been required to remain on duty in excess of his/her regular hours of employment as the result of a bona fide need of the City; said circumstances to be determined by his Department Head and subject to approval of the City Manager, shall have the option of either receiving salary or compensatory time off at the convenience of the department, at the rate of one and one-half (1-1/2) times the emergency time worked. The employee that has been recalled to duty will be guaranteed a minimum of two (2) hours pay or compensatory time off, at the rate of one and one-half (1-1/2) times or 3 hours. Prescheduled overtime is paid at 1 ½ times the pay rate or compensatory time off at the employee's preference.

Section 13 Payroll Deductions: On each bi-weekly payroll and in such form as the Finance/IS Manager may determine, the Finance Office is authorized and directed to deduct and withhold from the salary paid to each officer or employee of the City;

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A. The minimum amount required by Federal Law for income tax purposes and to make payment thereof to the United States as required by law.

B. The minimum amount required by State Law for income tax purposes and to make payment to the State of California as required by law (Res. No. 76-57, July 13, 1976).

Any officers or employees may authorize the Finance/IS Manager or designated staff to make deductions from their salaries to be paid to: 1) the carrier(s) of the City's health insurance program(s); 2) a charitable organization; 3) a financial institution, such as a credit union; 4) any other legitimate organization of the employees' collective choice. When so authorized by the employees, the Finance/IS Manager or designated staff may make such deductions from the employees' salaries and pay the amounts designated to the appropriate organization.

Section 14 Uniforms/Dress Code: The City shall provide and pay for the maintenance of official City work uniforms for employees in all generally accepted "field" classifications. Each employee designated by the City Manager to wear an official City work uniform shall be required to wear the complete uniform at all times while on duty with the City.

Field Maintenance Shorts Policy: As of July 2, 1996 a Field Maintenance Shorts Policy was implemented. Uniformed field maintenance personnel are authorized to wear City approved shorts during regular work hours subject to the following:

- Division superintendent/supervisor may require the employee to wear regular pants due to the nature of the work assignment; and
- Regular maintenance pants must be maintained at the work site, i.e. City yard locker, for immediate use.

Common exceptions: Employees shall be prohibited from wearing shorts while working under the following conditions:

- With crack sealer or other similar tasks involving hot liquid materials.
- Within an open trench, hole, or pit, including sewers and storm drains, whether wet or dry.
- While operating welding and cutting machines.
- While operating chainsaws, edgers, and similar equipment.
- While mixing, applying, or otherwise handling chemicals such as cleaners, solvents, pesticide, herbicides, and those used in water treatment and disinfections in accordance with Material Data Safety Sheets (MSDS) standards.
- While operating a jack hammer or other device in which the material may break apart and fly.
- While operating the chipper.
- While working within the fleet maintenance division except as authorized by the division superintendent.
- During certain events such as grand openings, ribbon cuttings, or similar events in which a more professional image would be appropriate.
- While the employee is engaged in specific non-reoccurring activities in which wearing shorts would, in the judgment of management, expose the employee to injury.

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** Under applicable conditions, employees may wear protective gear over their shorts in lieu of changing into pants, i.e. coveralls, hip boots.

Employee Responsibilities: Employees are expected to use good judgment in their determining the appropriate wear for the work day. The employee's decision should be based upon the nature of the upcoming work assignment and weather conditions. As with the regular uniform, shorts shall be clean and pressed prior to wearing. All approved shorts shall be purchased and be maintained solely by the employee.

Approved Shorts: Employees wishing to wear shorts shall purchase them from the City approved vendor. The shorts shall match the existing pant color and shall be of a "walking" type short, which generally denotes a cut of approximately four inches above the knee.

Management Reservations: The City shall reserve the right to suspend and/or revoke this policy at its discretion without notice or cause.

Further, the wearing of an official City work uniform during off-duty hours, except while traveling to and from the daily place of work, is prohibited. Failure to comply with this section without good reason may be cause for disciplinary action as provided elsewhere in these Rules.

Dress Code: City employees shall be well groomed and dressed in a manner suitable for the public service environment and to reflect the image of the City. The following are guidelines for appropriate dress:

For City employees that are not provided uniforms; coats and ties, dresses and suits are appropriate attire for meetings in the City Manager's office and/or with outside agencies. Less formal attire is the norm for those who do not have extensive outside contacts. Casual dress is acceptable on Friday and casual wear should be thoughtful and coordinated.

T-shirts, shorts, sweatshirts (unless approved "City Wear" and special shirts for special events) and worn out sneakers are not appropriate. The employee's supervisor will discuss the subject of personal appearance with the employee if it is felt it does not positively reflect the image of the City.

Section 15 Longevity Merit Incentive/Service Awards: Upon the recommendation of the appropriate department head and approval by the City Manager, a merit longevity incentive may be granted. In the case of an eligible department head, the City Manager will recommend and approve. Upon implementation, an employee may receive less than what the plan specifies.

The incentive is not automatic upon the completion of 5, 10, 15, 20 years of full-time service, but is awarded on merit.

5 years continuous full time service	=	2 1/2%	of "E" step
10 years continuous full-time service	=	5%	of "E" step
15 years continuous full-time service	=	7-1/2%	of "E" step
20 years continuous full-time service	=	10%	of "E" step

If an employee is eligible for longevity incentive and due to a promotion is on a step other than the "E" Step, the longevity incentive shall be figured on the employee's present salary. (Res. No. 77-61, June 28, 1977). In addition, the City hosts an annual Awards Dinner where service

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awards are presented to full time employees the year following the accumulation of 3, 5, 10, 15, 20, 25, 30 & 35 years of continuous full time service. Regular part time employees are eligible to receive a service award the year following the accumulation of 10, 15, 20, 25, 30 & 35 years of regular part time continuous employment.

Section 16 PERS: The City will pay to the Public Employees Retirement System a maximum of seven percent (7%) of the employee's base compensation for their share of the retirement contribution, as required by Section 20683 of the Government Code; which sum shall be equivalent to the percentage required by law to be paid by miscellaneous employee members thereof. All full time employees are enrolled in PERS upon hire. Once employees are classified as Regular Part Time, they will be enrolled in PERS. In August 1999 the City amended the PERS contract to the 2% @ 55 formula with the provision that if the Employer's rate is re-instated at some future time the employees would contribute up to 2.5% of their gross salary towards the cost of the enhanced retirement plan. The employees PERS contribution will be determined by the employer rate to a maximum of 2.5%. If the employer's rate falls below the 2.5% the employee's contribution will be adjusted accordingly. Per Resolution 04-26, as of June 20, 2004 employees will begin contributing 2.5% of their gross salary towards PERS. The City Council may lower or suspend the amount determined as employee contribution at will. The amounts paid to PERS on behalf of City employees either by the Employer or Employee contribution shall constitute deferred compensation per Resolution 04-27, as of June 20, 2004.

Section 17 Alternative Retirement Plan. Effective 7/1/91, the City has implemented an alternate retirement system for part time hourly and seasonal employees in lieu of social security.

Effective on July 1, 1991, the City Manager is authorized to implement mandatory payroll deductions for part-time employees' wages in an amount of 6.2% of earnings. City paid contributions of 1.3% of earnings shall be authorized as an employer contribution to a retirement system for part-time employees. All such payroll deductions and employer contributions shall be deposited by the City into a deferred compensation retirement plan. (Resolution No. 91-52)

Section 18 Acting Pay. Where an employee has been trained to assume the position of another in a higher range and will be performing in that position for more than 40 consecutive hours and it is not under the normal scope of duties to assume the position he or she may be granted a temporary 5% salary increase retroactive to the day he or she began serving in the position. At the discretion of the City Manager, a higher temporary increase may be granted based on specific circumstances. Acting pay shall only be granted upon the recommendation of the Supervisor and Department Head and with the approval of the City Manager.

Section 19 Fringe Benefits. Upon City Council approval the following fringe benefits are available to full time salaried and regular part time employees:

	Full Time Salaried Employees	Regular Part Time Employees
PERS Contribution	Maximum of 7.00% of base compensation. As of 6/20/04	Maximum of 7.00% of base compensation. As of 6/20/04

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	employer contributes 4.5% and employee contributes 2.5% to equal 7% of base compensation, amount can change with the change in employer rate with PERS	employer contributes 4.5% and employee contributes 2.5% to equal 7% of base compensation, amount can change with the change in employer rate with PERS
Alternative Retirement Plan	-0-	1.3% of gross wages for part time hourly employees in lieu of social security until eligible for PERS
Optional Benefit Plan	\$1,060/month as of the payroll ending 11/01/08. Can be adjusted as deemed appropriate by City Council	\$530/month as of the payroll ending 11/01/08. Can be adjusted as deemed appropriate by City Council
Deferred Compensation Match Program	\$200.00 per month City match for employees that contribute at least \$200.00 per month	\$100.00 per month City match for employees that contribute at least \$100.00 per month
Medicare (employees hired after 1986)	1.45% of gross wages	1.45% of gross wages
Life Insurance	\$25,000 (Paid by the City) Additional Plans offered at employees expense	-0-
Long Term Disability	Wages paid at 66.66% of gross	Wages paid at 66.66% of gross for employees that are scheduled for 30 hours or more per week (per "The Guardian" policy)
Section 125 of IRS Code	Allows employees to set aside pre-tax dollars for day care, unreimbursed medical expenses, and insurance premium payments. Additional insurance plans for Cancer, Heart & Stroke and Accident are also available at the employee's expense using pre-tax dollars.	All employees are eligible to participate in Section 125 benefits.
Workers Comp Insurance	Based on salary	Based on salary
Holidays	12 per year	Based on work schedule at ½ of FT
Sick Leave *	8 hours per month	4 hours per month
Vacation leave	0-5 years 9.33 hrs/mo	0-5 years 4.32 hrs/mo
	5-10 years 10.66 hrs/mo	5-10 years 4.94 hrs/mo
	10-15 years 12 hrs/mo	10-15 years 5.54 hrs/mo
	15+ years 13.33 hrs. mo	15+ years 6.16 hrs/mo
Longevity Merit Increase	5 yrs service 2.5% of Step E	-0-
	10 yrs service 5.0% of Step E	-0-
	15 yrs service 7.5% of Step E	-0-
	20 yrs service 10% of Step E	-0-
Computer Loan Program	Employee may borrow up to \$3,000 at 0% interest, paid back with payroll deductions over 2 years. If employee terminates before loan is paid off, amount due is deducted	Employee may borrow up to \$1,500 at 0% interest, paid back with payroll deductions over 1 year. If employee terminates before loan is paid off, amount due is deducted

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	from final paycheck and if not sufficient, payment is required on demand.	from final paycheck and if not sufficient, payment is required on demand. As of 7/1/05
Employees Assistance Program	City provides access to professional counseling services and resources. Confidentiality will be observed to the full extent of the law.	Regular Part Time Employees also may utilize the program.
Tuition Reimbursement	Employees may be reimbursed up to \$2,000 per calendar year for tuition for educational courses pre-approved by the City Manager and/or Assistant City Manager. Payments are made with the 15 th and 30 th warrant registers of the month after successful completion of the course with a grade of "C" or better.	N/A
Sick Leave Incentive Program	Employees can benefit with some monetary value for unused sick leave.	Regular Part Time Employees also may utilize the program.

- * Unused sick leave may be accumulated to an unlimited amount. An employee may convert sick leave hours (provided over 200 hours accrued remains on books) to vacation leave. At any one time, no more than a total of 160 hours of sick leave shall be converted to vacation leave and cannot be used in conjunction with forms of separation of employment.
- * An employee may also use up to 3 days of sick leave per year as personal leave upon approval.
- * Sick leave may also be paid upon retirement up to 100 hours if the employee has the hours on the books at full pay based on their current salary at time of retirement. The remaining sick leave hours will be paid at 50% of the value.

Optional Benefit Plan: Each full time employee and regular part time employee shall receive an Optional Benefit Plan allocation as determined by the City Council on the approved Pay Plan and Reimbursement Schedule. One hundred dollars (\$100) of the Optional Benefit Plan amount is designated for health insurance; the remainder is to be applied to available benefits. If deemed necessary the City may change insurance providers for the employees. Full time and regular part time employees who are covered by a health plan not sponsored by the City and who; therefore, do not use the City's \$100 contribution for health care coverage shall have the \$100 added to their Optional Benefits Plan. This plan is maintained for the exclusive benefit of employees and their dependents and is established with the intention of being maintained for an indefinite period of time. The Optional Benefit Plan amount may be increased or decreased upon approval of Administration and City Council. The Optional Benefit money is not taxed if used for deferred compensation, health, dental, and vision insurance. If the employee chooses to receive all or part of their Optional Benefit Plan money in cash, the money is subject to all taxes as required by law. The Optional Benefit Plan may be spent on benefits of the employee's choice from the following options:

Health Insurance: The City contracts with the Public Employees' Retirement System (PERS) for health insurance. Employees who do not wish to be covered must submit proof of coverage under a spouse's plan or other plan and sign an affidavit stating employee has sufficient

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coverage from an outside source. Employees are eligible to change plans annually during the designated open enrollment period.

Dental Insurance: The City contracts with Delta Dental to provide optional dental coverage to full-time salaried and regular part-time employees. Delta Dental offers an indemnity plan and a prepaid plan to choose from.

Vision Insurance: The City contracts with Vision Services Plan to provide primary vision coverage to all eligible employees. In addition to the primary plan, Vision One is available to employees to receive discounts on vision products.

Deferred Comp: As determined by the IRS, employees may defer annual earnings up to a maximum amount. This "deferred compensation" contribution means the money will not be taxed until you draw it out. IRS rules do not allow withdrawal until you terminate employment or in the event of an emergency. The IRS may increase the maximum amount allowed for deferral each calendar year.

To encourage employees to participate in the Optional Deferred Compensation program offered by the City, the City shall provide a matching contribution up to a maximum amount as established by the Pay Plan for full time and regular part time employees. The Deferred Compensation Matching Program is maintained for the exclusive benefit of full time and regular part time employees and is established with the intention of being maintained for an indefinite period of time. The amount of matching funds from the City can be increased or decreased as determined and approved by the City Council. The specific terms and conditions of the program shall be determined and approved by the City Manager.

Cash: Employees may choose to receive all or a portion of their remaining Optional Benefit Plan funds in cash. At that time the funds are taxable.

Section 20 Reimbursement Policy:

The City of San Dimas shall reimburse expenditures incurred only in the course of official and authorized City business. Expenses incurred in connection with the following types of activities generally constitute authorized expenses, provided other applicable requirements of this policy, or the other City policies, are also met. They include, but are not limited to:

1. Communicating with representatives of local, regional, state, and/or national government on City adopted business on City adopted positions;
2. Attending educational seminars designed to improve officials' skills, knowledge and information levels;
3. Participating in local, regional, state and/or national organizations whose activities affect the City's interests;
4. Recognizing service to the City or community;
5. Attending community events or participating in the vents of local nonprofit, service or philanthropic organizations.
6. Meeting with representatives of local organizations, charitable groups, religious affiliations or intergovernmental agencies to discuss matters affecting the City;
7. Implementing a City approved strategy for attracting or retaining business to the City;
8. Meetings with the City consultants, contractors, advisors, agents, legal council, etc. to discuss matters of importance to the City; and,

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The following expenses shall require prior City Council approval:

1. Interstate or International travel;
2. Expenses which exceed budgeted limits; and
3. Expenses anticipated to exceed \$1,000 per trip, excluding registration fees.

Applicability:

This policy shall apply to all persons incurring expenses during official City business and/or while acting on behalf of the City, for which reimbursement is sought. This includes, but is not limited to, members of the City Council, City Commissions, Committees, ad hoc/blue ribbon committees, (hereinafter "officials"), and City staff members, employees, City Council appointees (non legislative body), volunteers, and additionally designed individuals of the City Council or City Manger (hereinafter "employees").

Non-Reimbursable:

Examples of expenses incurred that the City will not reimburse include, but are not limited to, the following:

1. The personal portion of any trip;
2. Political contributions or events, or charitable contributions;
3. Family expenses, including partner's expenses when accompanying officials and employees on agency-related business, as well as children or pet-related expenses;
4. Entertainment expenses, including movies, sporting events, or other cultural events;
5. Non-mileage personal automobile expenses, including repairs, traffic/parking citations, insurance or toll highway and toll parking fees (when free alternatives are available); and
6. Personal losses incurred while on City Business

Any questions regarding a particular type of expense should be resolved by the approving authority before the expense is incurred.

Cost Controls:

To conserve City resources and keep expenses within community standards, expenditures should adhere to the following guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the City will be limited to the costs that fall within the guidelines, unless previously approved by the City Council.

Transportation:

The most economical mode of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route. Government and/or group rates must be used when available.

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Airfare: Coach class (non-stop) or single-stop) priced on round-trip purchase; or one-way (both directions) whichever is most cost effective. Every attempt should be made to secure advance pricing.

Automobile: Automobile mileage reimbursed based on Internal Revenue Service rates presently in effect. These rates are intended to compensate the driver for gasoline, insurance, maintenance and other expenses associated with operating the vehicle. This amount does not include bridge and toll roads, which are also reimbursable, when necessarily incurred. Those employees who receive a monthly car allowance will be reimbursed mileage for trips that exceed 50 miles.

Car Rental: Economy, compact or mid-sized rentals only. If several officials and/or employees are sharing a car rental, a larger size may be appropriate. Applicable loss damage waiver insurance is encouraged. Attempts should be made to acquire the lowest rate through competitive shopping and advance reservations. Car rentals may be considered an alternative to airfare or mileage reimbursement where the cost of airfare or mileage equals or exceeds the cost of car rental.

Taxis/Shuttles: Taxis or shuttle fares may be reimbursed, including a 15 percent gratuity per fare, when the cost of such fares equal to or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.

Lodging:

Lodging expenses will be reimbursed or paid for, when travel on official City business reasonably requires an overnight stay (i.e. more than 50 miles or 1 hour travel time from the official's or employee's home, or if evening or early morning meetings, sessions, activities and responsibilities are required of the official or employee).

Conference/Meetings: If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. If the group rate is not available, see below.

Other lodging: Travelers must request government rates, when available. A listing of hotels offering rates in different areas is available through the State of California's "Lodging Guide Program". Lodging rates that are equal to or less than government rates are presumed to be reasonable and reimbursable for purposes of this policy.

In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed \$250 a night are presumed reasonable and, hence, reimbursable.

Meals:

City officials and employees who attend out-of-town conference and meeting will be reimbursed up to \$80 per day for meals not provided by the conference or meeting. For partial days, the allowance shall be \$20 for breakfast, \$25 for lunch, and \$35 for dinner (including tax and tip). Receipts shall be required for reimbursement set forth in this policy. Advances shall be given to City officials if requested.

Telephone/Fax/Cellular/Internet:

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If requested, Officials will be reimbursed for actual telephone, fax, cellular and internet expenses incurred while traveling on City business up[on submission of a photocopy of the bill (with personal information redacted). Cellular phone reimbursement shall be pursuant to the City's Cellular Telephone Policy.

Airport Parking:

Airport parking fees shall be reimbursable.

Other:

Baggage handling fees of up to \$1 per bag and gratuities of up to 15 percent will be reimbursed. Expenses for which City officials or employees receive reimbursement from another agency are not reimbursable.

Cash Advance Policy:

From time to time, it may be necessary for an official or employee to request a cash advance to cover anticipated expenses while traveling or doing business on the City's behalf. Such request must be submitted to the City Manager or his designee at least three days prior to the need for the advance with the following information:

1. The purpose of the expenditure(s);
2. The benefits of such expenditure(s) to the City;
3. The anticipated amount of the expenditure(s) (i.e. hotel rates, meal costs, and transportation expenses); and
4. The date(s) of the expenditure(s).

Any unused advance must be returned to the city treasury within five business days of the official's or employee's return, along with an expense report.

In the event the City Manager or his designee is uncertain or unable to determine whether a request complies with this policy, the City Manager or individual seeking the cash advance must obtain a determination from the City Council.

Credit Card Use Policy:

The City has issued select credit cards to designated staff in increase efficiency for scheduling and charging travel arrangements, and purchasing other goods and/or services. Guidelines for use of the credit cards for travel expenses shall conform to the separately established credit card policy.

Expense Report Content and submission Deadline:

All cash advance expenditures and expense reimbursement requests must be submitted on an expense report form provided by the City.

Expense reports must document the expense in question and how it meets the requirements of the policy.

Officials and employees must submit their expense report within thirty (30) days of an expense being incurred, accompanied by receipts as applicable.

Restaurants receipts, in addition to any credit card receipts, are also part of the necessary documentation.

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Inability to provide such documentation in a timely fashion may result in the reimbursement request being denied.

Audits of Expense Reports:

All expenses are subject to verification that they comply with this policy.

Reports to Legislative Body:

At the next regular or special City Council meeting or meeting of the respective legislative body following the incurring of the expense, each City official shall briefly report to their respective legislative body on the meeting(s) attended at the City's expense. If multiple officials attend, a joint report may be made. Meetings shall have the meaning as defined in Government Code section 53232.

Compliance with the Laws:

Officials should recognize that some expenditures may be subject to reporting under the Political Reform Act and/or other laws or may be prohibited altogether. All City expenditures are public records subject to disclosure under the Public Records Act.

Ethics Training:

Pursuant to applicable state law, City officials, as well as members of any body of the City that is subject to the provisions of the Ralph M. Brown Act ("Open Meeting Law") and which receive stipends or reimbursement for actual and necessary expenses incurred, shall be required to attend and must complete a certified curriculum in ethics training at least once every two years, (or as frequently as the law may subsequently be amended be amended to provide). Officials shall submit copies of their certification to the City Clerk within thirty (30) days of completion of the curriculum.

Violation of this Policy:

Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following:

1. Loss of reimbursement privileges;
2. A demand for restitution to the City;
3. The City reporting the expenses as income to county, state and/or federal authorities;
4. Civil penalties of up to \$1,000 per day and three times the value of the resources used;
5. Prosecution for misuse of public resources;
6. Disciplinary action, up to and including termination, dependant upon severity and frequency.

Enforcement:

It shall be the duty and responsibility of the City Council to enforce the provisions of this policy as respects City Officials. It shall be the duty and responsibility of the City Manager to enforce the provisions of this policy as respects City employees.

RULE XIX. HOURS AND ATTENDANCE

Section 1 Work Schedules:

A. The City's standard work week is Monday through Friday with the following work schedules as follows:

1. 5/80 Work Schedule – Monday through Friday 8 AM to 5 PM.
2. 9/80 Work Schedule – Monday through Thursday 7:30 AM to 5:30 PM, Friday 8 AM to 5:00 PM – Every other Friday off. This work schedule is optional and at the discretion of the Department Head. Alternate schedules may be approved for staffing levels.
3. 4/10 Work Schedule – Monday through Thursday 6:00 AM to 4:30 PM; or Tuesday through Friday 6:00 AM to 4:30 PM. The City's Public Works and Parks and Recreation crew alternate schedules quarterly.

B. The normal working schedule for regular, full-time employees consists of forty (40) hours within a seven (7) day work week, with one hour or one-half hour lunch break depending on the schedule assigned by the employee's department head.

C. Regular Part Time and Part Time Hourly employees will work hours as specified by their department heads.

Section 2: Meal and Rest Breaks:

A. Meal Breaks: The California Labor Code provides that employees are entitled to a thirty (30) minute meal break for every five (5) hours worked. Employees may voluntarily waive the meal break, only if they work six (6) hours or less. Employees on the 4/10 schedule receive thirty (30) minutes for lunch break, and the employees on the 9/80 or 5/80 schedule receive sixty (60) minutes for lunch break. The lunch break schedule for the City is between 11:30 AM and 2:00 PM and within each department, lunch schedules are arranged so that they do not interfere with City business or service to the public. Meal breaks are unpaid and either 1 hour or ½ hour in length.

B. Rest Breaks: Although not required by law, for the safety and well being of the employees, the City allows for 15 minute rest breaks for every 4 hours worked. For the field crew that work the 4/10 schedule, 20 minute rest breaks are allowed for every 5 hours worked. All breaks shall be arranged so that they do not interfere with City business or service to the public.

Section 3 Attendance:

A. Punctual and consistent attendance is a condition of employment. Each department head is responsible for maintaining an accurate attendance record of their employees.

B. Employees unable to work or unable to report to work on time should notify their supervisor as soon as possible, ordinarily before the work day begins or within thirty (30) minutes of the employee's usual starting time. If an absence continues beyond one day, the employee is responsible for reporting in each day. If the supervisor is unavailable, the employee may leave a message with personnel or designated department staff, stating the reason for being late or unable to report for work.

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D. An employee who is absent without authorization or notification is subject to disciplinary action, including possible termination.

Section 4 Policy on Tardiness: Tardiness is defined as arriving to one's work station after the beginning of their assigned shift. The following five-step policy has been approved by the City Council and shall be placed into effect covering all departments. This policy is to cover a period of one year from the date of occurrence of the first offense with Supervisory Personnel possessing authority to enforce items 1 through 4 and Department Head enforcing Section 5:

- 1) First Offense - Tardiness brought to employee's attention. Noted/documented.
- 2) Second Offense - Oral Warning. Noted/documented.
- 3) Third Offense - Three day suspension without pay. Employee advised that next offense will result in one week suspension.
- 4) Fourth Offense - One week suspension without pay AND recommendation to Department Head for termination. Termination at Department Head/Administrative discretion.

Section 5 Policy on Absenteeism: The following policy on absenteeism has been approved by the City Council and shall be placed into effect covering all departments. This policy is to cover a period of one year from date of occurrence of the first offense. Items 1 and 2 are to be administered by Supervisory staff while item 3 will be left to discretion of the Department Head. For our purpose, absenteeism is defined as the failure of personnel to call in or report that they will be absent, i.e. no show:

- 1) First Offense - Written warning, employee advised that next offense will result in a three day suspension without pay.
- 2) Second Offense - Three days suspension without pay. Employee advised that next offense will result in one week suspension pay AND recommendation for termination.
- 3) Third Offense - One week suspension without pay AND recommendation to the Department Head and Personnel Director for termination.
(Approved by Minute Resolution 11/20/84).

RULE XX. SOLICITATION OF GIFTS PROHIBITED

No employee of the City of San Dimas shall solicit gifts or donations from any individual or corporation for him or herself, or on behalf of any other person or organization except with the written permission of the City Manager. (Resolution No. 89-54, June 13, 1989).

RULE XXI. DISCRIMINATION AND HARASSMENT POLICY

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Section 1 Purpose: The City of San Dimas is committed to providing a work environment that is free from discrimination. In keeping with this commitment, the City maintains a strict policy prohibiting discrimination and harassment, including sexual harassment. The purpose of this policy is to define and forbid discrimination and/or harassing conduct, to prohibit the condoning or perpetuating of such conduct and to provide an efficient means for reporting and resolving complaints of discrimination and/or harassment.

Section 2 Policy: The City's policy strictly prohibits unlawful discrimination and harassment on the basis of race, religion, creed, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, marital status, sex, sexual orientation, veteran status or over the age of 40 years. The City considers discrimination and/or harassment a serious offense and is firmly committed to the philosophy that every employee has the right to work in an environment free from discriminatory intimidation, ridicule, and insult and to be treated with courtesy, dignity, and respect. Every employee is expected to adhere to a standard of conduct that is respectful to all persons within the work environment.

In keeping with this commitment, the City maintains and follows a strict policy prohibiting unlawful discrimination and harassment, in any form, including verbal, physical, and visual harassment, coercion, and/or reprisal. This policy applies to ALL employee applicants, vendors, and visitors. The City does not tolerate sexual or other harassment of employees at the work place or in any work-related situation by anyone. If, after a prompt and thorough investigation, it is determined that an employee has engaged in discrimination and/or sexual or other harassment, that employee will be disciplined, up to, and including discharge.

Section 3 Definitions:

Legally Protected Category – Members of the legally protected category include: race, religion, creed, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, marital status, sex, sexual orientation, veteran status or over the age of 40 years.

The City's Discrimination and Harassment Policy prohibits the following types of conduct:

Discrimination – Discrimination is any action or conduct by which an employee is treated differently or less favorably than other employees for the sole reason that he or she is a member of a legally protected category.

Harassment – Unlawful harassment is any verbal or physical conduct based on an employee's membership in a protected category, as listed above, that is sufficiently severe or pervasive so as to affect an employee's work performance negatively and/or alter the conditions of employment and create an intimidating, hostile or otherwise offensive working environment.

Sexual Harassment – Sexual harassment is defined as any action that constitutes an unwelcome sexual advance or request for sexual favors, or any verbal or physical conduct of a sexual nature that is (i) related to or conditional to the receipt of employee benefits, including, but not limited to, hiring and advancement, (ii) related to or forms the basis for employment decisions affecting the employee, or (iii) sufficiently severe or pervasive so as to affect an employee's work performance negatively and/or alter the conditions of employment and create an intimidating, hostile or otherwise offensive working environment.

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Examples of the type of conduct that can constitute unlawful harassment or sexual harassment include, but are not limited to, the following:

1. **Verbal Harassment** - For example: epithets, derogatory comments or slurs, graphic commentaries about an individual's body or other suggestive comments made on the basis of a legally protected category.
2. **Physical Harassment** - For example: assault, impeding or blocking movement, or any physical interference with normal work or movement, or unwanted touching of any type when directed at any individual on the basis of a legally protected category.
3. **Visual Forms of Harassment** - For example: derogatory posters, notices, bulletins, cartoons, drawings, emails, faxes, screensavers, or websites on the basis of a legally protected category.
4. **Sexual Conduct** - For example: unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which is conditioned upon an employment benefit, unreasonably interferes with an individual's work performance or creates an offensive work environment.
5. **Retaliation** – Taking adverse employment action against any employee for having reported or threaten to report unlawful discrimination or harassment on the basis of a legally protected category.

If you have any questions regarding these definitions of discrimination, harassment, sexual harassment, if you are uncertain what constitutes discrimination, harassment, or sexual harassment or, if you are uncertain as to what constitutes prohibited conduct under the City's policy, contact your supervisor, department head, City Manager, or the Assistant City Manager.

Section 4 Reporting Discrimination or Harassment: If you believe any comments, gestures, or actions of a co-worker, supervisor, vendor, or visitor be discriminatory, harassing or offensive, you should immediately communicate to that person that such behavior is unwelcome. However, failure to do so does not prevent you from filing a complaint nor does it in any way exonerate the discriminating party or harasser.

City management is readily available and receptive to complaints of discrimination, sexual or other harassment. If you feel that you are being discriminated against or harassed by another employee, by a vendor, by a visitor or otherwise, you should immediately report the facts of the incident and the name(s) of the individual(s) involved to your immediate supervisor. If you do not feel that the matter can be discussed with your immediate supervisor, you should contact the Assistant City Manager and arrange for a meeting to discuss your complaint. If you do not feel that the matter can be discussed with the Assistant City Manager, you should contact the City Manager and arrange for a meeting to discuss your complaint. An anonymous written complaint can also be delivered to the Assistant City Manager or City Manager. It is recommended that complaints be made no later than 15 working days after the incident. In addition, a written and signed statement of the complaint should be submitted to your supervisor, the Assistant City Manager or the City Manager within 10 days of the initial report. Employees in need of assistance in filing the complaint will be provided such. Complaints must include the following information:

- 1) The employee's name, department and position title.
- 2) The name of the person(s) committing the harassment, including their title(s).
- 3) The specific nature of the harassment, how long it has gone on, or any other

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threats made against the victim as a result of the harassment.

4) Witnesses to the harassment.

5) Whether the victim previously has reported such harassment and, if so, when and to whom.

Your notification to the City is essential. You will be assured that you will not be penalized in any way for reporting discrimination, sexual harassment or other harassment problems. This would be considered retaliation and it is unlawful for an employer to retaliate against employees who oppose practices prohibited by state and federal law, or file complaints to the Department of Fair Employment and Housing or the Equal Employment Opportunity Commission. Similarly, the City will not tolerate any employees who interfere with its own internal investigations and its own internal complaint procedure. Effort will be made to protect the privacy of parties involved in a complaint. Files pertaining to complaints handled under the pre-grievance process will not be made available to the general public.

The City cannot resolve discrimination or a sexual or other harassment problem unless it knows about it. Therefore, it is your responsibility to bring those kinds of problems to the attention of the City so that the necessary steps can be taken to correct the problem, and we encourage you to do so.

Anonymous Complaints – Any employee who wishes to make a complaint of discrimination or sexual harassment or other harassment but is uncomfortable disclosing his or her identity may do so by following the above complaint procedure and filing the complaint anonymously with the Assistant City Manager or City Manager. Employees should know, however, that anonymity in the complaint procedure may compromise the City's ability to complete a thorough investigation.

Section 5 City's Response to Complaints of Discrimination or Harassment: All complaints of sexual harassment that are reported to management will be investigated immediately, thoroughly, objectively, completely and as confidentially as possible. The City, as part of its investigation, will make every attempt to interview all individuals with information relative to the complaint. Any investigation related to a complaint under this policy will be conducted with as much confidentiality as possible and with respect for the rights of all individuals involved. Information related to the investigation will be provided on a "need to know" basis only.

The purpose of this provision is to protect the confidentiality of the employee who files a complaint, to encourage the reporting of any incidents of harassment, and to protect the reputation of any employee wrongfully charged with harassment.

It is important for the complaining party and the alleged harasser to understand that it is a violation of this policy to discuss any investigation with other employees or to conduct your own investigation at anytime. If you have any information to assist the City, contact the person conducting the investigation. Failure to follow this policy may subject you to discipline, as the confidential nature of the complaint and the investigation is vital in protecting the privacy rights of all parties involved.

The City will make its determination and communicate that determination to the complaining employee and the alleged harasser. You are not entitled to copies of any notes or other written materials regarding the investigation, as we consider these confidential documents. If it is determined that the alleged harasser has violated City policies, appropriate corrective action will be taken in accordance with established City disciplinary procedures, up to and

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including discharge. Furthermore, as part of the City's attempt to remedy the complaining employee's concerns, the complaining employee will be informed of remedial measures and disciplinary actions imposed against the violator.

Employees who believe that they have been harassed may, within one year of harassment, also file a complaint of discrimination with the California Department of Fair Employment and Housing (DFEH). The DFEH may also investigate and process the complaint. Violators are subject to penalties and remedial measures that may include sanctions, fines, injunctions, reinstatement, back pay and damages.

While the City vigorously defends its employees' right to work in an environment free of sexual or other harassment, it also recognizes that false accusations of sexual or other harassment can have serious consequences. Accordingly, any employee who is found, through the City's investigation, to have deliberately and falsely accused another person of sexual or other harassment will be subject to appropriate disciplinary action, up to and including discharge.

The City trusts that all employees will continue to act responsibly to establish a pleasant working environment free of sexual or other harassment. The City encourages you to raise questions you may have regarding discrimination, sexual or other harassment with your immediate supervisor, your department head, the Assistant City Manager or the City Manager.

RULE XXII. SUBSTANCE ABUSE PROHIBITED

Section 1 – Alcohol and Substance Abuse: Employees shall not be at work under the influence of alcohol, drugs or controlled substance and shall not use or possess alcohol drugs or controlled substance while on duty or in City uniform, and shall not sell or provide alcohol, drugs or controlled substance to any person while on duty or in City uniform. The City may discipline or terminate an employee possessing, consuming, controlling, selling or using alcohol, drugs or other controlled substances during work hours. The City may also discipline or terminate an employee who exhibits an on-going dependence on alcohol, drugs or other controlled substances which, in the City's opinion, impairs the employee's work performance, poses a threat to the public confidence, or is a safety risk to the City or others. The City is committed to supporting employees who undergo treatment and rehabilitation for alcohol or other chemical dependency.

- (a) Employees who voluntarily report an alcohol, drug or controlled substance dependency problem will not be subject to retaliation or discrimination. Employees who voluntarily seek treatment may use sick leave to attend a bona fide treatment or counseling program. The City may condition continued employment on the employee's successful completion of treatment or counseling programs and future avoidance of alcohol, drugs or other controlled substances.
- (b) An employee may be required to submit to alcohol, drug or controlled substance testing when the employee's work performance causes a reasonable suspicion that the employee is impaired due to current intoxication, drug or controlled substance use or in cases where employment has been conditioned upon remaining alcohol, drug or controlled substance free following treatment. Refusal to submit to testing, when requested, may result in immediate disciplinary action, including termination.

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- (c) Employees using any prescription or over the counter drugs which might impair their work performance should notify their department head. At the option of the department head, an employee may be reassigned to less hazardous duty or be placed on sick leave if impaired work performance might pose a threat to the public confidence or to the safety of the employee or others.

DRUG-FREE WORKPLACE:

- (a) The manufacturing, distribution, dispensation, possession and use of unlawful drugs or alcohol on City premises or during work hours by City employees are strictly prohibited.
- (b) Employees must notify the City within five (5) days of any conviction for a drug violation.
- (c) Violation of this policy can result in disciplinary action, including termination. Continued poor performance or failure to successfully complete an assigned rehabilitation program is grounds for termination.
- (d) Employees who are required to maintain an active Driver's License or Class B License are subject to random drug testing as required by the Federal government in conformance with adopted City policy.

Section 2 – No Smoking Policy: An ordinance of the City Council of the City of San Dimas has amended Chapter 13 of the San Dimas Municipal Code by adding section 13.16.340 prohibiting smoking in public parks, facilities, and vehicles owned or operated by the City of San Dimas.