

City Of East Palo Alto

PERSONNEL

POLICIES AND PROCEDURES

AUGUST 1985

RESOLUTION NO. 00210

**A RESOLUTION ADOPTING CITY OF EAST PALO ALTO
PERSONNEL POLICIES AND PROCEDURES**

WHEREAS, the City of East Palo Alto was incorporated as a general law city of the State of California on July 1, 1983; and

WHEREAS, subsequently, the City has increased the number of individuals hired to serve the needs of residents of this City as authorized in the Program Budgets adopted by the City Council; and

WHEREAS, Section 45,000 et.seq. of the California Government Code authorizes local governments to adopt a personnel system as the legislative body determines to be in the best interests of the public service; and

WHEREAS, the purposes of the City of East Palo Alto Personnel Policies and Procedures are to specify policy, establish equitable and uniform personnel procedures to assure effective service to the public, and to define the obligations, rights, and standards for employees in order to preserve equal treatment and encourage effective working relationships between all classes of employees.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of East Palo Alto to hereby adopt the City of East Palo Alto Personnel Policies and Procedures attached hereto as "Exhibit A".

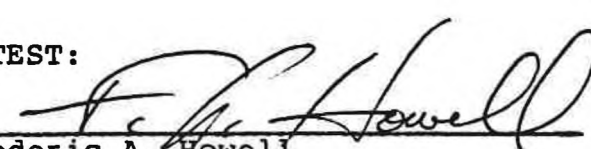
PASSED AND ADOPTED this 28th day of August, 1985, by the following vote:

AYES: ABRICA, BLAKEY, MOUTON, SATTERWHITE, WILKS
NOES: NONE
ABSENT: NONE



Barbara A. Mouton
Mayor

ATTEST:



Frederic A. Howell
City Clerk

CITY OF EAST PALO ALTO

City Council

Barbara A. Mouton, Mayor
James E. Blakey, Jr., Vice-Mayor
Ruben Abrica, Councilmember
Omowale Satterwhite, Councilmember
Gertrude Wilks, Councilmember

Personnel Commission

Carmeleit D. Oakes
David Pacheco
Keisha Williams
Sharifa Wilson
Thomasyne Lightfoote Wilson

Staff

Frederic A. Howell, City Manager
Robert W. Johnson, City Attorney
James E. White, Assistant City Manager/Finance Director
Russell V. Averhart, Assistant to the City Manager

Effective Date: August 29, 1985

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3.1.01 ADOPTION OF PERSONNEL POLICIES AND PROCEDURES

These Policies and Procedures have been adopted by the City Council by Resolution. Various city employees participated in their preparation and they supersede all previous Personnel Policies, Rules, and Procedures.

3.1.02 PURPOSE OF PERSONNEL POLICIES AND PROCEDURES

The purposes of the Personnel Policies and Procedures are to specify policy, establish equitable and uniform personnel procedures, and assure effective service to the public. They define the obligations, rights, and standards for employees, except as exempted in Section 3.1.06, to preserve equal treatment and encourage effective working relationships. In the event of a conflict between these Policies and Procedures and a Memorandum of Understanding in effect, the Memorandum of Understanding shall prevail.

3.1.03 AMENDMENTS OR REVISIONS TO THE PERSONNEL POLICIES AND PROCEDURES

The Personnel Officer shall prepare and present to the Council for its consideration proposed amendments or revisions to these Rules. Except in emergency situations, when proposed changes and amendments directly relating to matters within the scope of representation as defined by Government Code Sec. 3500 et seq (the Meyers-Milians-Brown Act) are being considered for presentation to the Council for adoption, reasonable advance written notice shall be given to employees and affected recognized employee organizations who shall have an opportunity to meet and consult. In that event, organizations still shall be advised and may meet within a reasonable time thereafter. At the time of consideration by the Council, any interested party may appear and be heard. All proposed amendments or revisions shall become effective only upon approval by Resolution of the Council.

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3.1.04 THE PERSONNEL OFFICER

The City Manager shall be the Personnel Officer; his/her duties shall be as stated in Ordinance No. 13-83, as amended. The Personnel Officer shall administer and enforce the provisions of these Policies and Procedures, and all ordinances, resolutions, regulations and laws relating to personnel matters and employer-employee relations. The City Manager may delegate any of the powers and duties conferred upon him/her as the Personnel Officer.

3.1.05 ADMINISTRATIVE REGULATIONS

The Personnel Officer shall issue such additional administrative memorandum as he/she deems necessary to implement these Policies and Procedures. Such additional administrative memorandum shall be in writing and be made available to employees and employee organizations. Departmental rules and regulations shall become effective upon approval of the Personnel Officer if not in conflict with these Policies and Procedures or applicable laws, ordinances, resolutions or relevant Memoranda of Understanding. Employees and recognized employee organizations shall be advised of and have an opportunity to discuss such proposed policies and procedures which are within the scope of representation, within a reasonable time prior to the proposed effective date, unless an emergency or urgency situation requires enactment without prior notice. In that event, organizations still shall be advised and may meet within a reasonable time thereafter.

3.1.06 EXEMPT SERVICE

Except as otherwise provided in this section, the provisions of these Policies and Procedures shall apply to all employees in the City Service. They shall not apply to the following classes which shall constitute the Exempt Service:

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- (A) The City Manager and the Manager's assistants;
- (B) Elective officers;
- (C) Members of appointive boards, commissions and committees;
- (D) All department heads;
- (E) Persons engaged under contract to supply expert, professional, technical or any other services;
- (F) All Council-appointed City officers;
- (G) Employees who do not have permanent or probationary status in authorized permanent positions;
- (H) Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as extraordinary fire, flood, or earthquake which threatens life or property.

The provisions of the Personnel Policies and Procedures relating to attendance and leaves shall apply only to the incumbents of the full-time exempt positions in A, D, and F above.

3.1.07 CLASSIFIED SERVICE

The provisions of these Policies and Procedures shall apply to all employees in the City Classified Service. All classes in the City Service not listed in 3.1.06 shall be classified positions.

3.1.08 NON-DISCRIMINATION

There shall be no discrimination by the City, recognized employee organizations, or anyone employed by the City for or against any employee or applicant for employment, promotion, demotion or discharge, because of race, religious creed, color, ancestry, national origin, sex or sexual preference, marital status, political opinions or affiliations, or lawful

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employee organization activities; and to the extent prohibited by applicable State and Federal law, there shall be no discrimination because of age. There shall be no discrimination against any handicapped person solely because of such handicap unless that handicap prevents the person from meeting the minimum standards established for the position for which he/she is applying.

3.1.09 SEVERABILITY

If any provision of these Policies and Procedures, or the application of such provision to any person or circumstances shall be held invalid, the remainder of these rules, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

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The following terms, whenever used in these Policies and Procedures shall have the meanings indicated.

3.2.01 ANNIVERSARY DATE

Shall mean the anniversary of the date of the employee's initial date of hire unless adjusted as provided in Section 3.7.08.

3.2.02 APPOINTING AUTHORITY

Shall mean the City Manager, or the City Council as applicable.

3.2.03 AUTHORIZED POSITION

Shall mean a group of duties and responsibilities set out by the City Manager and approved by the City Council requiring the full-time or part-time employment of one (1) person. A position may be occupied or vacant.

3.2.04 BASE PAY

Shall mean the monthly pay range and steps established by the City pay plan for each classification and shall exclude any addition or other special or premium pays.

3.2.05 CLASSIFIED SERVICE

Shall mean all positions not designated as exempt by the City Council.

3.2.06 COMPENSATION AND BENEFITS

Shall mean a current compensation and benefits as set forth in an applicable Memorandum of Understanding, or Compensation and Benefits Plan, whichever is appropriate.

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3.2.07 CONTINUOUS SERVICE

Shall mean continuous employment in probationary and permanent status which has not been interrupted by a separation from service. Length of continuous service shall be adjusted by the entire period of any authorized unpaid leave of absence. In the case of military leave, such adjustment shall be made only for that portion which exceeds thirty (30) days. Permanent part-time service shall be prorated on the basis of actual hours worked.

3.2.08 COUNCIL

Shall mean the City Council of the City of East Palo Alto.

3.2.09 DEPARTMENT RULES AND REGULATIONS

Shall mean Rules and Regulations designed by a Department Head for the specific needs and operations of his/her department and approved by the City Manager as to conformance with these Policies and Procedures, and sound management practices.

3.2.10 CITY

Shall mean the City of East Palo Alto.

3.2.11 CITY MANAGER

Shall mean the City Manager of the City of East Palo Alto.

3.2.12 DAY

Shall mean calendar day unless otherwise stated.

3.2.13 DIVISION

Shall mean a major unit of a department as determined by the City Manager.

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3.2.14 EVALUATION DATE

Shall mean the date on which an employee receives a performance evaluation and may receive a merit increase. For full-time employees, this date generally does not correspond to the anniversary of the initial date of hire.

3.2.15 EXAMINATION PROCESS

Shall mean the process which begins with submission of an application for employment and is completed at the end of the probationary period unless the applicant is sooner disqualified.

3.2.16 EXEMPT SERVICE

Shall mean all positions so designated by the City Council. (See Section 3.1.06).

3.2.17 GENERAL EMPLOYEE

Shall mean any non-safety employee.

3.2.18 IMMEDIATE FAMILY

Relatives of City employees shall not be accepted for employment in nor assigned to work in the same department. For purposes of this section, relative shall mean the following: related by blood, marriage or adoption; spouse, child, parent, sister, brother, uncle, aunt, nephew, niece, grandparent, grandchild, and cousin.

3.2.19 MANAGEMENT EMPLOYEE

Shall mean an employee designated by the City Manager and who:

(A) has responsibility for using independent judgement in administering and recommending the formulation of City policies;

(B) utilizes leadership skills in achieving the goals of the City; and

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(C) has authority to effect personnel actions directly or by recommendation.

3.2.20 PERSONNEL OFFICER

Shall mean the City Manager of the City of East Palo Alto or his/her designated representative with the approval of the City Council.

3.2.21 PERSONNEL COMMISSION

Shall mean the East Palo Alto Personnel Commission as established by ordinance of the City Council.

3.2.22 PREMIUM PAY

Shall mean the following pay increments, plus such others as may be established as additional compensation for special duties or working conditions: standby pay, pay in lieu of holiday, call-back pay, court-time pay and shift differential pay.

3.2.23 RECOGNIZED EMPLOYEE ORGANIZATION

Shall mean an employee organization that has been formally recognized as representing specified job classes by the Employee Relations Officer (City Manager).

3.2.24 RULES

Shall mean the Personnel Policies and Procedures of the City unless otherwise stated.

3.2.25 SENIORITY

Shall mean continuous service as defined in this Rule.

3.2.26 SHALL AND MAY

When used, these words have the following meaning: SHALL is mandatory, and MAY is permissive.

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3.2.27 STRAIGHT TIME PAY

Shall mean the employee's base pay for the applicable standard work week plus educational incentive pay, special assignment pay, special qualification pay and acting pay, if applicable.

3.2.28 SUPERVISOR

Shall mean any employee, regardless of job description or title, having authority in the interest of the employer to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees or responsible to direct them or to address their grievances or effectively to recommend such action if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgement.

3.2.29 SWORN SAFETY EMPLOYEE

Shall mean Sworn Police employees.

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3.3.01 PERSONNEL FILE

A personnel file shall be established and maintained in the Personnel Office for each employee. It shall be considered official information on the status, pay, performance and employment history of the employee.

3.3.02 CONFIDENTIALITY

Personnel files shall be confidential and access to the file or specific information therein shall not be available to the public or unauthorized employees without the written approval of the subject of the file. Responses to credit or employment references shall be limited to verification of name, position title, dates of employment, and salary range unless the employee authorizes otherwise in writing. The home address and phone number of an employee shall not be released except on the written authorization of the employee or in an urgent situation as determined by the Personnel Officer.

3.3.03 ACCESS TO PERSONNEL FILE

An employee may review his/her own personnel file (with the exception of investigative data pertaining to a possible criminal offense and letters of reference) when Personnel Office staff are available. The employee may also, by his/her written authorization, permit his/her representative to review his/her personnel file under the supervision of Personnel Office staff. An employee may request in writing that the Personnel Officer remove allegedly derogatory or erroneous data from his/her file and the Personnel Officer shall give his/her decision as to the removal of such data within 10 calendar days, (Sections 3.8 and 3.14 set forth the procedure for insertion of information in personnel files). The ability to remove and review items in an employee's personnel file shall apply only to City personnel files and not to department files.

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3.3.04 PERSONNEL ACTION FORMS

Personnel action forms, in a form prescribed by the Personnel Officer, shall be utilized to initiate appointments and accomplish all changes in status or pay. A change does not become effective until the personnel action form is approved by the City Manager. A copy of each approved personnel action form shall be filed in the personnel file of the subject employee and a copy given to the employee.

3.3.05 PERSONNEL ROSTER CARDS

A roster card shall be established and maintained for each employee and shall be his/her official permanent record of employment. It shall contain a complete record of employment history, department to which assigned, job titles, pay, status, and other pertinent information, as well as current address, telephone number and whom to contact in case of emergency.

3.3.06 DESTRUCTION OF RECORDS

Personnel roster cards shall be kept permanently. All other personnel records may be destroyed in accordance with State and Federal laws.

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3.4.01 DEFINITION

The Classification Plan shall consist of a list of the titles of classified and exempt classes in the City Service and a written job specification for each class. Classification shall be based on the principle that positions with similar duties, authority and responsibility, and similar qualifications, shall be grouped together in common classes for purposes of equity of standards in selection, transfer, demotion, promotion, and pay.

3.4.02 ADMINISTRATION OF THE CLASSIFICATION PLAN

The Personnel Officer shall administer the Classification Plan and review and allocate each position to its proper class and salary range in accordance with these Policies and Procedures. He/She may recommend amendments or revisions to the Classification Plan which shall be submitted to the Council for consideration and shall become effective upon adoption by the Council. Before presentation to the Council, employees and any affected recognized employee organization shall be given reasonable notice and have an opportunity to meet on matters directly relating to the scope of representation.

3.4.03 CLASSIFICATION DEFINED

A classification (or class) may include a single position or group of positions which are sufficiently similar in their duties, functions, and responsibilities that they may be identified by the same job title, job specification, and pay range.

3.4.04 JOB TITLES

The job title shall be the official means of designating the class to which an individual position or group of positions is assigned. Its meaning shall be described in the job specification and it shall be utilized on official records to identify the position an employee occupies.

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3.4.05 JOB SPECIFICATIONS

A job specification shall be a written statement providing the title and definition of a class, examples of the duties to be performed and the minimum qualifications. The content of the specification is illustrative and shall not be construed to be comprehensive or to limit the authority of the City Manager to assign, direct and control the work of employees. Duties, responsibilities and functions of any position may be reassigned at any time by or pursuant to order of the City Manager after consultation with the affected department head subject to Section 3.4.07 of these Rules. General qualifications commonly required of all employees, such as good judgment, honesty, and physical and mental ability to perform the job shall be deemed to be included in the minimum qualifications of each class specification.

3.4.06 NEW CLASSIFICATION

Requests for creation of a new class shall be made to the Personnel Officer by the department head, or may be initiated by the Personnel Officer, and shall include the following information:

- (A) A full description of the proposed duties, functions and responsibilities of the position(s);
- (B) Suggested qualifications;
- (C) A suggested title;
- (D) A suggested salary range;
- (E) A statement, where pertinent, regarding the effect the creation of the new class will have on existing classes; and
- (F) Such other information as may be necessary to determine the need for the new class.

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The Personnel Officer shall conduct any studies he/she deems required to consider such request and shall approve or disapprove the request. In the event of his/her approval, the Personnel Officer shall submit the new job specification, class title, and salary range to the Council to be considered for addition to the Classification Plan. The new class shall become officially established upon adoption by the Council.

3.4.07 RECLASSIFICATION

If there is evidence to indicate that a position is not assigned to an appropriate class, a request may be made through the department head to the Personnel Officer that a classification study be performed on the position. The Personnel Officer shall determine whether a study shall proceed and acknowledge the request accordingly within ten (10) working days. A study shall be concluded within ninety (90) calendar days unless it involves more than one classification or the services of an outside consultant are required.

The Personnel Officer may initiate and conduct studies of any position at any time to determine if such position is properly classified. Said studies may include investigation of pertinent departmental records, consultation with employees regarding duties, functions and responsibilities of a position, and the collection of any other relevant information the Personnel Officer deems necessary.

Recommended reclassifications shall be submitted by the Personnel Officer for consideration to the Council and shall become effective upon approval by the Council.

3.4.08 FILLING A RECLASSIFIED POSITION

Upon reclassification of a position, a permanent employee incumbent in that reclassified position may, at his/her option, be appointed to the position if, in the opinion of the Personnel Officer, he/she has demonstrated the ability to successfully perform all the duties of the position for a period of no less than six (6) months. A permanent employee who does not meet the minimum qualifications for the posi-

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tion or the six (6) months successful performance incumbency requirement may transfer to a vacant position in the former class or if no vacancy exists, the appropriate layoff procedure shall apply. However, an incumbent may be retained until a probationary/permanent appointment to the position occurs.

A vacant reclassified position may be filled by internal personnel actions or from an employment list established for that class.

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3.5.01 ANNOUNCEMENTS

Announcements for positions in the City Service for which no employment list exists, shall be prepared and distributed by the Personnel Officer. Announcements shall be placed in the City's official newsletter, and in any other locations which will assure employee knowledge of position openings. Announcements also shall be sent to any affected recognized employee organizations for their information. Additional recruiting may be conducted as deemed necessary by the Personnel Officer to assure that appropriate labor markets and the community are aware of the announcement. High priority shall be given to the utilization of local sources to ensure maximum dissemination of announcements in the local community.

3.5.02 COOPERATIVE RECRUITMENTS AND EXAMINATIONS

The City may elect to participate in cooperative recruitments and examinations with other public jurisdictions provided processes which are not in conflict with these Policies and Procedures are agreed upon by all participating jurisdictions.

3.5.03 CONTENT OF ANNOUNCEMENT

At a minimum, the position announcement shall state the following information for the available position; title, pay range, description of duties, minimum qualifications required, any limit on number of applications to be accepted, requirements of and relative percentage value of each portion of the selection process, and, except for continuous testing, the final filing date. Any specific date stated in the announcement regarding the selection process may be postponed or revised at the discretion of the Personnel Officer after consultation with the affected department head. The final filing date may be extended, but not shortened, and an examination may be cancelled for good cause at the discretion of the Personnel Officer.

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3.5.04 APPLICATION

All applicants for position openings which have been announced shall file a City application with the Personnel Office; the form and content to be as prescribed by the Personnel Officer. Supplemental statements, documentation of qualifications, work samples and/or resumes may be required. In order to be accepted, completed applications bearing an original signature must be filed with the Personnel Officer on or before the final filing date indicated in the announcement, or postmarked no later than the final filing date if permitted in the announcement. Applicants may amend or modify incomplete or defective information on their applications prior to the final filing date and time. Names of applicants shall not be released prior to the establishment of the employment list.

3.5.05 ACCEPTANCE OF APPLICATIONS FOR FUTURE VACANCIES

Applications shall be accepted only when position openings are announced. Interest cards may be accepted for future recruitments and kept on file for one (1) year or the next applicable recruitment.

3.5.06 TYPE OF RECRUITMENT/SELECTION

Recruitment for position openings shall be open-competitive, promotional, or open-competitive/promotional as determined by the Personnel Officer depending upon the field of qualified applicants available.

3.5.07 OPEN-COMPETITIVE RECRUITMENT/SELECTIONS

Any applicant who meets the minimum qualifications stated in the announcement may compete in the initial selection process unless disqualified under Section 3.5.18 of these Policies and Procedures.

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3.5.08 PROMOTIONAL RECRUITMENT/SELECTIONS

Only current permanent employees who meet the minimum qualifications specified in the announcement and have successfully completed any probation may apply for a promotional position opening. Employees on extended probation or promotional probation shall not be eligible to apply. Employees may fulfill the requirements for promotional position openings scheduled during regularly assigned working hours without loss of compensation provided that advance arrangements have been made with the employee's supervisor and department head.

3.5.09 OPEN-COMPETITIVE/PROMOTIONAL RECRUITMENT/SELECTION

A position that is open to qualified permanent employees and any other applicants who meet the minimum qualifications stated in the announcement. Two (2) employment lists will result: a promotional and an open-competitive employment list. The promotional list will be certified first and then the open list as provided in Section 3.7.04.

3.5.10 CONTINUOUS RECRUITMENT/SELECTIONS

The Personnel Officer may establish a continuous open-competitive recruitment process for any class for which he/she determines the need exists in order to obtain sufficient qualified applicants. In the continuous recruitment process, applications shall be continuously accepted and reviewed on a periodic basis and assigned to an open-competitive list for the class. A single employment list shall be maintained to which the names of candidates shall be added as they qualify by the overall ranking system being utilized.

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3.5.11 CONDUCT OF EXAMINATIONS

The Personnel Officer shall be responsible for the formulation and conduct of the selection process.

- (A) The goal of the selection process for all positions shall be to evaluate the ability of candidates to perform the duties and accept the responsibilities of a specific position by utilizing job-related criteria in a thorough and fair method. The Personnel Officer shall utilize the most effective method available to assess the desired abilities of the candidates after consultation with the affected department head. An evaluation of education, experience and skills shall be a part of the selection process. The selection process shall consist of oral interviews and/or any combination of written or practical demonstration tasks depending upon the needs of the position. Assessment centers and other methods may be utilized when feasible and desirable.
- (B) Oral boards should be composed of three (3) persons, if practicable, whose experience qualifies them to judge the qualifications of the applicants being considered. Each interviewer shall independently rate the applicants. Names of persons serving on the oral board shall not be given out in advance of the oral interview. When in the best interests of the applicant and the City Service, an interviewer may disqualify himself/herself from rating an applicant.
- (C) The content of physical agility tests shall be determined by the Personnel Officer after consultation with the department head. Such tests shall be required for appropriate positions as qualifying only.

3.5.12 APPLICANT RATING

For skilled positions, unless otherwise provided in the position announcement, applicants shall be required to attain a score of not less than seventy percent (70%) on written portions of the selection process. Some portions of the selection process may be designated as qualifying

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only and only a pass or fail score will be given. For written tests, the seventy percent (70%) representing the minimum score may be an adjusted score taking into consideration the difficulty of the test, the quality of the competition, preference for local residency, and the needs of the City Service. When the selection process is composed of more than one independent test, the relative weight to the total score of each of the tests shall be assigned by the Personnel Officer, or, in the case of Police Trainees and Recruits, by the Chief of Police, and shall be stated in the position announcement.

3.5.13 **MEDICAL EXAMINATIONS**

Offers of appointment to the City Service shall be contingent upon and shall not be effective prior to passing a City paid medical examination by a physician designated by the City to assess the long term physical ability of the applicant to perform the job being sought. Medical standards shall be determined by the City.

If a candidate meets all of the City medical standards except for a minor medical condition which is deemed by the City physician to be easily correctable, the candidate shall be required to sign an agreement that his/her employment shall be contingent upon complying with the physician's requirements for correction of the condition within a specified period of time and the maintenance of the condition at an acceptable level while employed by the City. Medically disqualified applicants who disagree with the physician's findings may discuss the findings with the Personnel Officer within five (5) working days after the City notice of disqualification as set forth in Section 3.5.18. The name of a medically disqualified candidate shall be removed from an employment list.

3.5.14 **OTHER REQUIRED EXAMINATIONS**

The Personnel Officer may require psychological or other types of supplementary examinations which will assist in assessing qualifications for positions depending on the needs of the City Service. Such other examinations shall be stated on the examination announcement.

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3.5.15 NOTIFICATION TO APPLICANTS

Applicants shall be notified in writing of the results of the selection process.

3.5.16 REVIEW AND APPEAL BY APPLICANTS

At the time an examination is given, applicants will be notified in writing of the appeal process, which is:

- (A) Within five (5) working days after scoring of the written examination, a candidate may inspect his or her own examination paper at the Personnel Office.

All written examination materials shall remain confidential and no copying of questions or answers from any paper made available for inspection shall be permitted. Any candidate violating this provision is subject to disqualification from the written examination and possible disqualification from future examinations; further, on promotional examinations, such violation may be grounds for disciplinary action. Decisions regarding disqualification shall reside with the Personnel Officer; decisions regarding disciplinary action shall be processed in accordance with Section 3.14 of these Policies and Procedures; and

- (B) Within ten (10) working days following any part of the examination, a protest or complaint as to form, content, or administration of the examination may be filed in writing with the Personnel Officer whose decision shall be final. Any reversal of a decision resulting from an appeal shall not invalidate any appointment previously made.

3.5.17 PROBATION

The probationary period of an employee shall constitute the final part of the selection process and successful completion of the selection process shall occur with satisfactory completion of the probationary period as set forth in Section 3.7.

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3.5.18 DISQUALIFICATION

Applicants may be rejected or applicants may be disqualified from competing at any state in the selection process for reasons such as, but not limited to, the following;

- (A) Failure to meet the minimum qualifications established for the class; U.S. citizenship may be required for certain classes;
- (B) Physical or mental inability to perform the duties required of the class to which appointment is sought;
- (C) An incomplete or defective application;
- (D) Conviction of any public offense which would render an individual unsuited for the job for which application is made;
- (E) Intentional false statement or deception or fraud on the application or in the examination process;
- (F) Request by applicant to withdraw from consideration;
- (G) Unsatisfactory results from investigation of employment history and references;
- (H) Failure to reply within ten (10) working days after mailing of a notice to the candidate's last known address advising availability of employment;
- (I) Refusal to sign, unamended, the oath of office as required by State law;
- (J) Failure to appear for a scheduled part of the examination process;
- (K) Addiction to or habitual excessive use of drugs or intoxicants.

Within five (5) working days after receipt of notice of disqualification, disqualified applicants may appeal to the Personnel Officer for reconsideration. The decision of the Personnel Officer shall be final.

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3.6.01 ESTABLISHMENT OF EMPLOYMENT LISTS

After completion of the selection process, the Personnel Officer shall prepare and maintain lists consisting of the names of candidates who qualified for the position. The effective date of an employment list shall be the date it is approved by the Personnel Officer.

3.6.02 COOPERATIVE USE OF EMPLOYMENT LISTS

In the event that no employment list exists, the Personnel Officer may elect to request a list of names from a list for a comparable class from other public jurisdictions. Similarity of job specifications and employment selection standards shall be assessed to determine comparability.

3.6.03 TYPES OF EMPLOYMENT LISTS

- (A) Open-Competitive Employment List: Shall mean a list of names of persons who have been recruited on an open-competitive basis for a class in the City service and have qualified.
- (B) Promotional Employment List: Shall mean a list of names of qualified current employees who have taken a promotional examination for a class in the City Service and have qualified.
- (C) Reemployment List: Shall mean a list of employees laid off from the City Service who are entitled to reemployment in vacancies in the class from which laid off.
- (D) Reinstatement List: Shall mean a list of former employees who resigned from the City service in good standing and who are currently eligible for reinstatement in accordance with Section 3.7.10.

3.6.04 DURATION OF LISTS

- (A) Open-competitive lists shall remain in effect for a period of one (1) year from the date approved by the Personnel Officer or until the Personnel Officer terminates the list as provided in Section 3.6.05. When an

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open-competitive list is composed by continuous testing, the date of placement of each name on the list shall be noted and names shall remain on the list for not more than one (1) year unless the list is extended as provided in (C) of this section.

- (B) Promotional lists shall remain in effect for a period (1) year from the date approved by the Personnel Officer or until the Personnel Officer terminates the list as provided in Section 3.6.05.
- (C) The Personnel Officer may extend the effective date of an open-competitive or promotional list for one (1) additional year beyond the original expiration date.
- (D) Reemployment lists shall remain in effect for a period of two (2) years from date of establishment unless such list has been exhausted. The establishment of reemployment lists is set forth in Section 3.13, Separations from Service and layoff Procedures.

3.6.05 TERMINATION OF LIST

The Personnel Officer may terminate employment lists for the following reasons, except reemployment lists which are governed by Section 3.13:

- (A) Insufficient candidates in accordance with Section 3.7.04.
- (B) Insufficient candidates willing to be considered for vacant positions or accept offers of employment; or
- (C) Minimum qualifications of a position are revised.

In the event that the Personnel Officer terminates an employment list, candidates remaining on the list will be notified in writing and advised of the process to reapply.

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3.6.06 REMOVAL OF CANDIDATE FROM EMPLOYMENT LIST

The Personnel Officer may remove the name of any candidate from an employment list for any of the reasons stated in Section 3.5.18 or any of the following:

- (A) The candidate requests in writing that his/her name be removed;
- (B) The candidate fails to appear for an interview or declines two (2) offers of employment;
- (C) Appointment of a candidate to probationary status in a permanent position in the class for which the list was established;
- (D) Termination of an employee whose name appears on a promotional list; or
- (E) Failure of a candidate to meet medical or other supplementary standards required.

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3.7.01 FILLING VACANCIES

Vacancies in the classified service may be filled from open-competitive, promotional or reemployment lists established and certified by the Personnel Officer, as well as by transfer, demotion or reinstatement. In the absence of persons so eligible, temporary appointments for a limited duration may be made pending the establishment of a new employment list.

3.7.02 METHOD OF FILLING VACANCIES

- (A) Whenever a vacancy in the classified service occurs, the department head shall notify the Personnel Office and/or submit a request for certification. Requests shall be in the form prescribed by the Personnel Officer. The Personnel Officer shall determine whether a vacancy may be filled through in-service personnel action before certifying an employment list.
- (B) Prior to certifying a list or otherwise filling a position the Personnel Officer shall evaluate the position to assure that it is assigned to the proper classification, appropriately assigned within the organizational structure, and adequately funded. He/She shall also evaluate the continued need for the position.

3.7.03 THE RULE OF THE LIST DEFINED

The Personnel Officer shall certify the top seven highest-rated eligible candidates from the appropriate employment list to the department head to interview to fill available positions in a class. In the event no one is selected and appointed or, is selected and fails the required medical exam, the Personnel Officer shall certify the next seven highest rated candidates until such list is exhausted. In case of reemployment lists, seniority provisions of these policies and procedures shall govern.

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3.7.04 CERTIFICATION

The Personnel Officer shall certify employment lists in the following order to department heads to fill vacant positions:

- (A) Reemployment List
- (B) Promotional List
- (C) Open-Competitive List, including Reinstatement List

Where both open-competitive and promotional lists exist, the promotional list shall be certified first. If a list consists of fewer than seven (7) names, these candidates shall be certified to the requesting department head, who shall interview them. After such consideration, the department head may request that the Personnel Officer certify or establish a new list as appropriate.

3.7.05 ALTERNATE CERTIFICATION METHOD

In the absence of an open-competitive, promotional employment or reemployment list for a classification in which a vacancy exists, the Personnel Officer may certify an employment list for another classification having similar duties or higher qualifications and employment standards. Appointments made in this manner shall be as valid in all respects as an appointment from a list for the classification in which the vacancy occurred.

3.7.06 APPOINTMENTS

The department head shall interview candidates from the employment list certified by the City Manager and then shall recommend his/her selection to the Personnel Officer. The City Manager is the final authority to approve or disapprove a recommended appointment and shall take action on such recommendation within five working days. Upon acceptance of an offer of employment, a person shall present himself/ herself to the Personnel Officer for processing and orientation. Employment offers to the City Service shall be contingent upon successfully passing a medical and any other examination required.

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3.7.07 TYPES OF APPOINTMENTS

Appointments shall be in the categories defined below:

- (A) **Permanent**. An authorized full-time position for which permanent appointment occurs after successful completion of the prescribed probationary period and continued employment has been approved by the City Manager.
- (B) **Probationary**. A probationary appointment to an authorized full-time or permanent part-time position is the final phase of the selection process. Probationary employees shall not compete in promotional selections or be promoted except from an open-competitive list. The probationary period shall be for the period specified for the class. All vacant permanent positions shall be filled by probationary appointments unless otherwise provided by these Policies and Procedures.
- (C) **Permanent Part-time** An authorized part-time position which has work regularly scheduled for at least twenty (20) hours per week but less than full-time. Pay shall be at the hourly rate for hours worked; over-time shall not be permitted without the written approval of the City Manager. Fringe benefits available shall be for vacation, sick leave and paid official holidays, prorated for actual hours worked. Accrual of such benefits shall occur only while the employee consistently occupies an authorized position which requires at least half-time work.
- (D) **Part-time temporary** An appointment to a position which regularly scheduled to work less than twenty (20) hours per week and is paid at the straight-time hourly rate only for hours worked. Neither fringe benefits nor seniority accrue to part-time employees, however, step pay increase may be considered annually on the basis of satisfactory performance. Total hours shall not exceed 1040 in any fiscal year.

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(E) Temporary. Appointment for a limited duration, not to exceed one (1) year, to a full-time or part-time, non-permanent position created:

- (1) for a special purpose;
- (2) to meet seasonal needs; or
- (3) to fill a vacancy due to illness, vacation, or pending establishment of an employment list for the class.

Such appointments shall be made from existing, appropriate employment lists, if available; in the absence of a list other resources may be utilized. Temporary employees must meet the minimum qualifications for the class. Pay shall be at the straight-time hourly rate for hours worked, overtime or compensatory time off shall not be permitted without the written approval of the City Manager. Fringe benefits and seniority shall not be accrued. A temporary employee may be terminated at any time without right of appeal or recourse to the grievance procedure. No person shall achieve probationary or permanent status as a result of appointment to a temporary position and such service shall not be counted as fulfillment of any part of probationary requirements in the event of subsequent appointment to a permanent position by the City Manager.

3.7.08 ANNIVERSARY DATE

Shall mean the date of initial employment in the City Service and shall be used for the purpose of computing leave accrual and seniority for permanent and probationary employees. The anniversary date shall be adjusted when an employee is absent for thirty (30) consecutive calendar days or more in no-pay status including leave of absence without pay and layoff. The anniversary date shall be reestablished by reducing time in service by the time absent from pay status on a day-for-day basis. An anniversary date shall not be changed for any period of paid leave, authorized industrial injury leave, or military leave.

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3.7.09 PROBATIONARY PERIOD

(A) Permanent appointment to a full-time or part-time position on initial employment or promotion shall be subject to successful completion of the probationary period designated for the class. The probationary period shall be regarded as the final stage of the selection process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to the position through counseling and evaluation.

(B) **Length of Probationary Period:** The probationary period for General full-time employees shall be for a period of not less than six (6) months of actual service and for permanent part-time employees not less than twelve (12) months of actual service. Certain job classifications in the City service may have probationary periods up to 18 months. The probationary period for police trainees and police recruits shall be 18 months of police service. The probationary period for lateral and prior service police officers shall be no less than 12 months.

The probationary period after a promotion shall begin on the date the employee is appointed to the new class and before the length of time stated above. The need for probation or an evaluation period following transfer, reinstatement, or demotion shall be at the discretion of the department head and approved by the Personnel Officer.

Provisions regarding probation after reemployment are set forth in Section 3.13.25.

Performance evaluations and merit increases during probation shall be as set forth in Section 3.8, Performance Evaluations, and Section 3.9, Compensation and Hours.

(C) **Completion and/or Extension of Probationary Period:** The Personnel Officer shall notify the department head at least one and a half (1-1/2) months prior to the completion of an employee's probationary period. The department head shall submit to the Personnel Officer a

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performance evaluation no less than fourteen (14) calendar days (Thirty (30) calendar days is recommended if a department head has concerns about an employee) prior to the final date of probation indicating whether the service of the probationary employee has been sufficiently satisfactory to justify a permanent appointment. The Personnel Officer may, on the written recommendation of a department head, extend the probationary period up to, and not to exceed, an additional three (3) months. The employee shall receive a copy of such request as set forth in Section 3.8.12. Employees on extended probation accrue sick leave but not service credit toward merit increases. An employee shall not compete in any promotional recruitment process while on extended probation.

- (D) **Rejection of Probationary Employee:** During the probationary period, an employee may be rejected at any time without the right of appeal or recourse to the grievance procedure. Notification of termination shall be in writing to the employee at least five (5) working days prior to termination. Probationary employees may be paid for the five (5) working days in lieu of receiving notice if it is determined to be in the best interests of the City.

An employee rejected during a promotional or transfer probationary period shall be reinstated to a vacant position, if available, in the class from which he/she was promoted or transferred, unless rejected on the basis of charges leading to discharge. If no vacancy exists, the employee may exercise displacement procedures set forth in Section 3.13. Probationary rejection shall not be subject to appeal; however, charges which may lead to discharge of a permanent employee shall be subject to the provisions of Section 3.14, Discipline.

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3.7.10 REINSTATEMENT

A permanent employee who resigns in good standing, upon written request and the submission of a current employment application, may be considered for reinstatement to a vacant position in the same or comparable class in the City Service without examination within twelve (12) months of the effective date of such resignation (refer to Section 3.7.04 for certification priority). Final approval of any reinstatement shall reside with the Personnel Officer; it shall not be mandatory to reinstate a former employee.

Reinstatement shall be contingent upon successfully passing a medical examination as required by Section 3.5.13. If reinstatement is to a position other than previously occupied, a probationary or evaluation period may be required as set forth in Section 3.7.09. Reinstated employees shall not receive credit for former employment in computing pay, benefits or seniority except after reinstatement from military leave (see Section 3.12.16; Section 3.8.09 sets forth requirements for evaluations following reinstatement; also Section 3.7.04 for certification priority).

3.7.11 TRANSFER

Upon approval by the Personnel Officer, an employee may transfer or be transferred from one position in a class to a vacant position in the same class or a comparable class. For transfer purposes, a comparable class is one with the same pay range and similar duties. The employee must meet the minimum qualifications.

The transfer of an employee from one department to another shall be made with the consent of the employee and the approval of the department heads concerned; however, the Personnel Officer has the final authority to authorize a transfer, and may reassign employees as set forth in these Rules and City Codes.

Transfers shall not be used to effectuate a promotion, demotion, advancement, or reduction, each of which may be accomplished only as provided in these Policies and Procedures and shall not result in a loss to the employee of any earned benefits or seniority within the class.

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3.7.12 PROMOTION

A promotion is an appointment, subject to the probationary period, to a position in a class with a higher pay range than the one previously held and may be made from a promotional or open-competitive employment list. Probationary employees are not eligible for promotion except on appointment from an open-competitive list. (Probation, performance evaluations, compensation after promotion shall be as set forth herein and in Sections 3.8 and 3.9)

3.7.13 DEMOTION

- (A) **Voluntary Demotion:** Upon an employee's request, and recommendation of the department head, the Personnel Officer may demote an employee to a classification with a lower pay range for which the employee meets the minimum qualifications and in which the employee has previously served. Assignment to a pay step in the lower range shall be as set forth in Section 3.9.09.
- (B) **Involuntary Demotion:** An employee may be demoted to a class with a lower pay range for disciplinary purposes, or for continuing failure to satisfactorily perform required duties. No employee shall be demoted to a classification for which he/she does not meet the minimum qualifications. (This procedure is set forth in Section 3.14 Discipline, Section 3.8, Performance Evaluations and Section 3.9 Compensation and Hours.)
- (C) **Notice:** Advance written notice of demotion and the effective date shall be provide to the employee.
- (D) **Probation:** Probation after demotion may be required as set forth in Section 3.7.09.

3.7.14 LOYALTY OATH

All sworn police department personnel shall comply with state law requiring an oath of office.

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3.7.15 FINGERPRINTS AND PHOTOGRAPHS

Any person being considered for or employed in the City Service may be finger-printed and a fingerprint record check made of each person. The findings shall be reported to the Personnel Officer in the manner prescribed by law. Employees may be photographed for identification purposes.

3.7.16 BIRTH CERTIFICATES

Any person appointed to a position may be required to submit a birth certificate to the Personnel Officer. If such is not available, a certificate of baptism or other evidence satisfactory to the Personnel Officer indicating date and place of birth may be accepted. Such documents shall be returned to the employee.

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3.8.01 PURPOSE

The primary purpose of evaluation of work performance is to provide both the employee and management of the City with an assessment of the individual's development over the employee's entire period of employment. Evaluations record significant facts about but not limited to, the quality and quantity of work performed, work habits, attendance, initiative and judgement demonstrated, and other pertinent factors which indicate the value of the employee to the City. Performance evaluations are a continuing record of an employee's performance and progress and are a consideration in merit increases, promotions, reinstatement, disciplinary actions, and other appropriate personnel actions.

3.8.02 PROBATIONARY PERIOD

Employee shall be evaluated at the end of each month for the first three (3) months of actual service but may be evaluated at any other time as well as during initial or promotional probation. At the time of each evaluation, employees shall be advised verbally and in writing by the evaluating supervisor of any improvement required and specific suggestions for such improvement. Thereafter evaluations shall occur as follows:

- (A) General full-time employees who successfully complete the first three (3) months shall be reevaluated at least fourteen (14) calendar days before the end of the probationary period, i.e. six (6) months of actual service. In addition, permanent part-time employees shall be evaluated at least fourteen (14) calendar days before twelve (12) months of actual service which shall be the end of their probationary period. Evaluation shall occur thirty (30) calendar days before end of probationary period is recommended if department head has satisfaction concerns about an employee.
- (B) During police academy training, a police trainee shall be evaluated by the academy as mandated by POST. During Police Field Training, a police recruit shall be evaluated in accordance with the East Palo Alto Police Department Field Training Manual and at least once

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each employee work week. After release from field training police recruits will be evaluated every three (3) months and shall receive a final evaluation at least fourteen (14) calendar days before the end of probation, which shall be 18 months of police service.

(C) Lateral and prior service police officers shall be evaluated at least every three (3) months while on probation which shall be 12 months of police service.

The evaluation completed at or before the end of probation shall state successful or unsuccessful completion of probation and shall be accompanied by a personnel action form recommending a permanent appointment, separation, or, in the case of a promoted employee, demotion as set forth in Rule 3.7, Appointments and Probation, Section 3.7.09.

3.8.03 EXTENSION OF PROBATION

In the event that an extension of initial or promotional probation is required as provided in Section 3.7.09, an employee shall be evaluated and counselled monthly by the process set forth in this Rule. The date of the last performance evaluation in an extended probationary period shall be the new evaluation date unless separation or demotion results.

3.8.04 SATISFACTORY PERFORMANCE EVALUATIONS AND MERIT INCREASES

Performance evaluations are conducted regularly over the entire period of employment for each employee. Merit increases and employment are contingent upon continued satisfactory performance evaluations. Upon the completion of not less than six (6) months of actual initial or promotional probationary service full-time employees shall be evaluated and when a satisfactory performance evaluation is received, a merit increase to the next higher step in the pay range shall be granted to eligible full-time employees if the employee was appointed at the first step of the salary range in the class to which appointed. The date of such increase shall be the evaluation date. Each twelve (12) months of actual service thereafter, employees shall be evaluated regardless of step in pay range. When the performance evaluation is satisfactory, any applicable merit

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increase shall be granted to the next higher step. Upon completion of the probationary period, permanent part-time employees shall be evaluated each twelve (12) months of actual service and shall be granted applicable merit increases to the next higher step in the pay range as stated above when a satisfactory evaluation is received. The date of such increase shall be the evaluation date.

Police Trainees and Recruits shall be evaluated during attendance at an assigned police academy and Field Training Program and upon satisfactory evaluation shall receive increases as set forth in Section 3.9.04. Advancement to the Police Officer job class shall occur upon satisfactory evaluations in and successful completion of the Field Training Program. Thereafter, evaluations shall occur as set forth above.

3.8.05 UNSATISFACTORY PERFORMANCE EVALUATIONS AND MERIT INCREASES

In the event that an employee receives an unsatisfactory performance evaluation after completion of probation on his/her evaluation date any applicable merit increase shall be withheld. Said employee shall be counseled and reevaluated each thirty (30) calendar days of actual service thereafter until a satisfactory evaluation is achieved. The new evaluation date shall be established on the date of the satisfactory evaluation and a merit increase, if applicable, shall be granted as of the new evaluation date. An employee who does not achieve a satisfactory evaluation within a reasonable period shall be subject to disciplinary proceedings as appropriate.

3.8.06 PERFORMANCE EVALUATION AT SEPARATION

An employee separating from the service of the City shall be evaluated for his/her performance from the last evaluation date to the effective date of separation.

3.8.07 PERFORMANCE EVALUATIONS FOLLOWING DEMOTION

In the event that an employee is demoted, his/her evaluation date shall be adjusted to the effective date of the demotion. The evaluation date of a voluntarily demoted employee

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shall be unchanged. An employee who has successfully held position in the lower class generally shall not be required to undergo additional performance evaluations. However, probation, and/or evaluations may be required at the department management's discretion if for disciplinary reasons, or general incompetence or, if voluntary demotion is requested to avoid involuntary demotion or other disciplinary action.

3.8.08 PERFORMANCE EVALUATIONS FOLLOWING PROMOTION

The new evaluation date shall be the effective date of promotion and shall be as set forth for probationary employees in Section 3.7.

3.8.09 PERFORMANCE EVALUATIONS FOLLOWING CERTAIN OTHER PERSONNEL ACTIONS (TRANSFER, REINSTATEMENT, LEAVE OF ABSENCE)

An employee's annual evaluation date shall not change following transfer, however, at the department head's discretion, monthly performance evaluations may be required to determine the employee's progress if job duties differ substantially. Employees who are reinstated shall have an evaluation date established on the anniversary of the effective date of reinstatement; performance evaluations may be required at the department head's discretion or if the reinstated employee has been absent for one (1) year. Employees who are absent from service on leave or layoff for thirty (30) or more consecutive calendar days shall have their evaluation dates adjusted to reflect actual time in service since the last evaluation date in accordance with Section 3.7.08, except employees on authorized industrial disability leave who shall receive service credit for such leave.

3.8.10 OTHER USES OF PERFORMANCE EVALUATIONS

If, in the opinion of a supervisor, an employee is not in compliance with employment standards and has not responded to counseling, then a formal evaluation process may be initiated to officially document an unsatisfactory condition which requires correction. The employee shall be notified in writing of the frequency with which evaluations shall be

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scheduled and the conditions under which disciplinary proceedings may be initiated if correction does not occur. This process may occur at any time deemed appropriate by the supervisor, department head, and/or Personnel Officer. A performance evaluation also may be prepared at the request of an employee.

3.8.11 SIGNIFICANT INCIDENT REPORTS

Any significant substantiated incident, either positive or negative, relating to an employee's job performance shall be documented on the Significant Incident Report, and forwarded to the Personnel Officer after review with and signature by the employee, supervisor, and department head. Refusal to sign shall be noted, initiated and witnessed. Such incidents are to be incorporated in the employee's next performance evaluation. Undocumented incidents shall not be used to substantiate proposed personnel actions. Employees shall receive a copy of such reports and may file a statement in rebuttal within thirty (30) calendar days.

3.8.12 PERFORMANCE EVALUATION PROCESS

Each employee evaluation shall be discussed by the supervisor with the employee and signed by the employee being evaluated at the time of counseling and evaluation. Appropriate department management shall review and sign the form before routing it to the Personnel Officer for review. An employee's refusal to sign shall be noted, initiated by the employee, and witnessed. An employee who disagrees with his/her evaluation may file a rebutting statement within thirty (30) calendar days after the evaluation which shall be placed in the employee's official personnel file with the performance evaluation to which it refers. The original copy of the evaluation shall be filed in the employee's official personnel file. A copy of the approved performance evaluation forms shall be provided to the employee.

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3.8.13 PROCEDURES

All performance evaluations shall be completed and forwarded to the Personnel Officer within ten (10) working days after the employee's evaluation date except performance evaluations during probation which shall be processed as set forth in Section 3.8. Evaluations shall be on forms and in the manner prescribed by the Personnel Officer.

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3.9.01 THE PAY PLAN

The current City Pay Plan adopted by the Council shall establish the pay range and steps assigned to each classification in the City Service. The purpose of the pay plan shall be to provide fair and equitable rates of pay for City employees. Salary for each class shall be consistent with the work as outlined in the class specification and shall be based on the principle that comparable salaries shall be paid for comparable duties and responsibilities.

3.9.02 ADMINISTRATION OF THE PAY PLAN

The Personnel Officer shall recommend the pay plan annually to the City Council for consideration. The pay rates established by the meet and confer process shall be included. The Personnel Officer may also recommend pay plan modifications at any other time to the Council. Such recommendations shall be subject to the meet and confer process. Recommended adjustments shall become effective upon adoption by the Council.

3.9.03 PAY UPON INITIAL APPOINTMENT

Initial pay for an employee in the City Service shall be at the first step of the salary range in effect for the class to which appointed, except that the City Manager may authorize appointment at a higher step within the salary range of the class when he/she determines that equity and the interests of the City will best be served.

3.9.04 MERIT INCREASES

(A) Upon the completion of six (6) months of actual initial or promotional probationary service after receiving a satisfactory performance evaluation, a merit increase to the next higher step in the pay range shall be granted to eligible full-time employees who were initially appointed to the first step of the salary range in effect for the class to which appointed. The date of such increase shall be called the evaluation date. Employees appointed to the second step and above are eligible to receive a merit increase upon receiving

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a satisfactory performance evaluation after twelve (12) months of actual service. Each twelve (12) months of actual service thereafter, each employee receiving a satisfactory performance evaluation shall receive a merit increase to the next higher step until the top step of the pay range for the job class has been reached. An employee shall not receive a merit increase beyond the maximum step established for the job classification. Permanent part-time employees shall be entitled to merit increases upon the satisfactory completion of not less than twelve (12) months of actual service in each step of the range.

Police Trainees shall be appointed at the first step of the pay range, except that the City Manager may authorize appointment at a higher step within the salary range of the class when it is determined that equity and the interest of the City will best be served. Advancement to first step police officer may occur upon successful completion of a police basic training academy. Police officers shall receive a salary step increase upon the completion of the probationary period.

- (B) In the event that an employee does not receive a satisfactory performance rating on the evaluation date, the provisions of Section 3.8.05 shall apply. When a satisfactory rating is achieved, effective on the date of that rating, said employee shall receive a merit increase to the next higher step in the salary range, provided such merit increase does not exceed maximum step established for the job classification. Merit increases delayed due to the unsatisfactory performance rating or extended probation shall not be retroactive and shall cause an adjustment to the evaluation date.

3.9.05 WORK IN A HIGHER CLASS

An employee who is designated officially by management to perform all or substantially all of the duties of a vacant position or an absent employee in a higher-paid classification shall be paid at the first step of the higher pay range or at the step which is not less than five percent (5%) more

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than his/her current base pay rate after ten (10) consecutive full workdays or in accordance with the provisions of the current applicable Memorandum of Understanding.

A management employee assigned officially on an acting basis to a higher-paid classification shall be paid at the first step of the higher pay range or at the step which is not less than five percent (5%) more than his/her current base pay rate, provided:

- (1) the assignment is of thirty (30) calendar days or more duration and for purposes other than vacation replacement; and
- (2) all of the duties of the higher-paid class are performed.

3.9.06 PAY FOR WORK ON OFFICIAL HOLIDAYS

- (A) Eligible full-time employees not normally required to work on official holidays shall be compensated at the rate of one and one-half times the straight rate of pay for hours worked in addition to the usual straight-time for official holidays. This provision does not apply to General employees designated as standby.
- (B) Eligible full-time employees whose work schedules normally require work on official holidays shall be compensated with additional pay as provided in the current applicable Memorandum of Understanding in lieu of holiday leave except as provided in (B) and (C) of Section 3.9.07. If in his/her opinion, sufficient personnel are schedule, the department head may grant time off on the official holiday; employees so excused for the holiday shall not receive additional compensation.
- (C) All sworn employees and non-sworn law enforcement personnel in the Police Department, with the exception of management personnel, shall be compensated for work on holidays as follows:

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For the City's 12 official holidays during the calendar year, six(6) days taken as days off, and full pay at straight time for six days; prorated for those employees who work for only a portion of the calendar year. Payment for the above will be on the first payday after July 1st and January 1st of each year, for three holidays or twenty-four (24) hours straight time pay.

3.9.07 PAY FOR OFFICIAL HOLIDAYS

- (A) Permanent and probationary full-time employees shall receive straight-time pay based upon an average of the actual hours worked during the preceding month or as specified in the terms of their employment, whichever is greater, for each official holiday. Permanent part-time employees who regularly work at least twenty (20) hours per week shall receive straight-time pay for one-half of the hours included in each official holiday. Other employees shall not be eligible for paid holidays.
- (B) Employees on approved leave with pay (i.e., vacation, sick shall receive straight-time pay but not additional pay on an official holiday and such time shall be recorded as a paid holiday for payroll purposes unless provided otherwise in the current applicable Memorandum of Understanding.
- (C) Employees on approved leave of absence without pay shall not receive compensation for official holidays.

3.9.08 PAY FOLLOWING PROMOTION

An employee promoted to a higher-paid classification shall be assigned to the first step in the new pay range or at the step which equals no less than a five percent (5%) increase over his/her current base pay rate, whichever is more, provided the maximum pay step for the new range is not exceeded. Consideration shall be given to any merit increase expected soon in the former class. A new Evaluation date shall be established as set forth in Section 3.8.08.

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3.9.09 PAY FOLLOWING DEMOTION

An employee demoted involuntarily to a lower-paid classification shall be assigned to a step in the new pay range recommended by the department head and approved by the City Manager. An employee demoted voluntarily shall be paid at the step of the new pay range closest to the employee's base pay in the higher-paid classification but not exceeding the maximum step in the range. Evaluation dates shall be as set forth in Section 3.8.07.

3.9.10 PAY FOLLOWING TRANSFER

An employee transferred to a position within the same classification or to another classification with the same pay range shall retain the same rate of base pay and the same evaluation date. A merit increase shall not be applicable at the successful completion of any probation or evaluation period required as a result of a transfer.

3.9.11 ADJUSTMENTS

The City Manager may authorize step adjustments within the pay range of a classification when he/she determines that equity and the interest of the City will best be served.

3.9.12 PAY FOLLOWING RECLASSIFICATION

An employee whose position is reclassified to a higher-paid class and who is appointed to the reclassified position, shall be assigned to the first step in the new pay range or the step which is closest to but not lower than the employee's current base pay in the former classification. An employee whose position is reclassified to a lower-paid class and who is appointed to the reclassified position, shall be Y-rated and receive no change in base compensation.

3.9.13 Y-RATING

The pay of the employee is said to be Y-rated when an employee is appointed to a classification in lower pay range due to reclassification, elimination of a position, or reorganization and retains his/her current base pay until

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the maximum step of the new range equals or exceeds his/her base pay. He/She then becomes eligible for pay increases which do not exceed the maximum step of the new pay range.

3.9.14 OVERTIME

It is the policy of the City that overtime work is to be discouraged. All overtime, in order to be compensable, must be authorized by the department head or his/her designated representative in advance of being worked. If prior authorization is not feasible because of emergency conditions, a confirming authorization must be obtained on the next regular working day following the date on which the overtime was worked. Unauthorized overtime shall not be paid.

- (A) **Eligibility** - Permanent and probationary full-time non-management employees are eligible for overtime pay. Management employees shall not be eligible for overtime except as authorized in writing by the City Manager. Exempt and permanent part-time employees shall be paid for all work at the established straight-time rate of pay for the appropriate class except as authorized in writing by the City Manager.
- (B) **Overtime Pay** - An eligible employee who is required to work in excess of the regular working hours during any one (8) eight hour day shall be compensated by overtime pay as set forth in the current applicable compensation and benefits adopted by Council Resolution. The decision to grant overtime leave shall be made by the department head with due consideration for employee preference, budgetary constraints, and staff scheduling. General employees assigned to standby status or in call back status shall be compensated for overtime as set forth in the current applicable Memorandum of Understanding. For sworn police personnel, see Section 3.9.25(A).

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3.9.15 PAY IN A CIVIL DISASTER OR EMERGENCY

Overtime provisions shall be suspended in a disaster or emergency when by law all employees automatically become civil defense workers. In such event, compensation procedures shall be determined by the City Manager based on the circumstances.

3.9.16 CALL BACK PAY FOR GENERAL EMPLOYEES

Eligible employees called back for previously unscheduled working during off-duty hours shall be paid as set forth in the current applicable compensation and benefits adopted by Council Resolution. Pay shall include hours worked only and shall exclude travel time. This provision does not apply to employees called back to work while assigned to standby status.

3.9.17 EMERGENCY CALL-BACK PAY

Sworn Police called back to work in an emergency situation shall be paid as set forth in the current applicable compensation and benefits approved by Council Resolution.

3.9.18 STANDBY PAY FOR GENERAL EMPLOYEES

Employees designed for standby status shall be compensated as set forth in the current applicable compensation and benefits approved by Council Resolution.

3.9.19 COURT TIME PAY

Sworn Police Officers subpoenaed to court as an officer of the City during off-duty hours shall be compensated as set forth in the current applicable compensation and benefits approved by the Council Resolution.

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3.9.20 EDUCATIONAL INCENTIVE PAY

Upon submission of proper documentation and approval by the City Manager, Sworn Safety non-management employees shall receive educational incentive pay in addition to base pay as set forth in the current applicable compensation and benefits approved by Council Resolution. Proper documentation shall include diplomas, transcripts, and certificates of completion. The effective date shall be the date of successful completion, provided initial probation has been successfully completed and documentation is submitted within six (6) months, which shall be the maximum period of retroactivity. Retroactive educational incentive pay shall not be paid if claimed after employment ceases with the City.

3.9.21 SPECIAL ASSIGNMENT/QUALIFICATION PAY

Upon submission of proper documentation and approval by the City Manager, Sworn Safety non-management employees shall receive special assignment/qualification pay in addition to base pay as set forth in the current applicable compensation and benefits approved by Council Resolution. Additional compensation shall be only for the duration of the performance of such duties.

3.9.22 PREMIUM PAY

Premium pays shall be as set forth in the current applicable compensation and benefits approved by the Council Resolution.

3.9.23 COMPOUNDING OF PREMIUM PAY

In the event that an employee becomes eligible for two or more premium pays for the same hours in addition to his/her straight-time rate of pay, the straight-time rate of pay shall be paid and in addition, only the highest one of the premium pays which apply. Premium pay shall be based on the straight-time rate of pay when computed.

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3.9.24 UNIFORMS

Employees required to wear, purchase, and/or maintain uniforms shall be provided uniforms or a uniform allowance as set forth in the current applicable compensation and benefits approved by Council/Resolution.

3.9.25 WORK WEEK AND HOURS OF WORK

Unless otherwise approved in writing by the City Manager, the work week, work day or shift, and work schedule for employees shall be as follows:

- (A) General and Police employees. The standard work week for full-time non public-safety employees shall consist of forty (40) hours in a seven (7) day work period. The standard work day shall be eight (8) hours, exclusive of meal periods. The standard work day for sworn police officers and other law enforcement personnel shall be up to 12 hours but no less than 8 hour shifts.
- (B) Management employees shall be considered to work the minimum established work week on the schedule required to carry out their responsibilities to the satisfaction of the City Manager but generally no less than forty (40) hours.
- (C) Employees who work less than full-time. The work hours and schedules for part-time employees shall be established by the department head with the approval of the City Manager.
- (D) Offices of the City except those for which special regulations are required, shall be open for business on the days of the year from 8:00 a.m. to 5:00 p.m., except Saturdays, Sundays and official holidays.

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(E) The City Manager shall establish the hours of work with due regard for the best interests of the public and compliance with the law. He/She shall have the obligation and the right, when the needs of the City Service clearly require, to establish working hours on a regular continuing basis different from those here defined.

3.9.26 ATTENDANCE

Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays, and leaves. Daily attendance records shall be kept by the departments and reported as prescribed by the Personnel Officer.

3.9.27 PAY PERIODS

The periods on which pay checks shall be based are the twenty-six bi-weekly fiscal accounting periods established by the Finance Director.

3.9.28 PAY DAYS

Pay days shall normally be the Friday after the ending date of the most recent pay period, unless, due to holidays and other circumstances, the City Manager authorizes an earlier pay day.

3.9.29 DEDUCTIONS

Deductions from employees' paychecks shall be made in accordance with prevailing laws, contracts, and administrative rules and regulations.

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3.10.01 OFFICIAL HOLIDAYS

The following official holidays are observed by the City:

New Year's Day, January 1

Martin Luther King Day, 3rd Monday in January

Lincoln's Birthday, February 12

Washington's Birthday, February 22 or its legal substitute (third Monday in February)

Memorial Day, May 31 or its legal substitute (last Monday in May)

Independence Day, July 4

Labor Day, first Monday in September

California's Admission Day, September 9

Veteran's Day, November 11

Thanksgiving Day, fourth Thursday in November

Day after Thanksgiving, fourth Friday in November

Christmas Day, December 25.

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

3.10.02 OTHER HOLIDAYS

Any other holidays given shall be as set forth in the applicable current compensation and benefits approved by City Council Resolution. The City Council may approve a day without work on a special day proclaimed by the President or Governor for public observance.

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3.10.03 OTHER RELIGIOUS HOLIDAYS

An employee may request in advance to be excused from work for the observance of a bona fide religious holiday subject to the approval of the department head and the Personnel Officer. If approved, such time off shall be charged to the employee's unused available leave which the employee may designate. Approval of time off is subject to the needs of the City Service and if not approved, no pay or other time off shall be given in lieu thereof.

3.10.04 EFFECT OF OTHER LEAVE ON HOLIDAYS

When a day designated as a holiday in Section 3.10.01 occurs during an employee's vacation leave, for payroll purposes the day shall be charged as a holiday instead of vacation. Sick leave shall not be approved for official holidays. An employee in no-pay status shall not receive or accrue holiday leave.

3.10.05 PAY FOR HOLIDAYS AND PAY FOR WORK ON HOLIDAYS

See Section 3.9, Compensation and Hours.

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3.11.01 INTENT

Sick leave shall be allowed and used only in cases of actual personal sickness or disability, medical or dental treatment, or as authorized for funeral/emergency leave, family illness and injury; and as an income supplement to workers' compensation payments. Sick leave shall not be considered as a right which an employee may use at his/her discretion, but shall be allowed only in case of necessity as described herein.

Employees shall not be entitled to sick leave for:

- (A) Disability arising from or caused by willful misconduct or non-City employment of the disabled employee;
- (B) Sickness or injury during leave of absence without pay; and
- (C) Absences caused by intoxication or excessive use of intoxicants or drugs, except as authorized in accordance with Section 3.11.07.

3.11.02 ELIGIBLE EMPLOYEES

Only permanent and probationary employees shall be eligible to accrue and use sick leave as provided in this Section. Other employees shall not be eligible to receive this benefit.

3.11.03 ACCRUAL

Permanent and probationary full-time employees shall accrue sick leave at the rate of three and seven-tenths (3.7) hours per bi-weekly pay period of actual service. Permanent part-time employees who regularly work at least twenty (20) hours per week shall accrue sick leave on the basis of actual hours worked each bi-weekly pay period.

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An employee who is in pay status at least one-half of his/her regularly scheduled work hours in a pay period shall accrue one-half of the regular monthly sick leave for that pay period. An employee who is in pay status less than one-half of his/her regularly scheduled work hours in a pay period shall accrue sick leave for that pay period. For definition of pay period, see Section 3.9. There shall be no maximum limit on accumulation of unused sick leave.

3.11.04 PROBATIONARY EMPLOYEES

Probationary employees shall accrue and may use earned sick leave from the date of initial appointment in accordance with provisions of this Rule.

3.11.05 CHARGE FOR USE OF SICK LEAVE

Eligible employees shall be charged for sick leave used to the nearest half hour commensurate with hours of absence.

3.11.06 USE OF SICK LEAVE

- (A) In order to receive sick leave compensation, an employee who is unable to report to work due to illness or injury shall notify his/her immediate supervisor prior to or within one (1) hour after the time set for reporting to work. Police Department policies in effect upon adoption of these Rules, which differ from the foregoing, due to service needs, shall continue in practice unless changed pursuant to Government Code 3500 et seq. Failure to notify without good reason may result in the period of absence being considered unauthorized leave which shall not be compensated. The determination in this regard shall be made by the department head subject to final approval of the City Manager.
- (B) It shall be the responsibility of the employee on sick leave to inform his/her immediate supervisor or department head on a daily basis of his/her condition and anticipated date of return ot work. When an employee's period of absence on sick leave exceeds two (2) calendar weeks or an extended period of absence is

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anticipated at the beginning of the leave, the employee shall contact his/her immediate supervisor or department head at least once per week or as frequently as instructed to advise of his/her condition, whereabouts, and probable date of return to work.

- (C) If an employee has not recovered by the time his/her accumulated sick leave is exhausted, upon receipt of a written request accompanied by the attending physician's certificate that additional time is required to effect sufficient recovery, the City Manager may grant the employee a leave of absence without pay pursuant to provisions for such leave or may permit use of other accrued leave available. No employee shall take sick leave with pay in excess of accrued leave.

3.11.07 MENTAL HEALTH, DRUG AND ALCOHOL REHABILITATION

The City Manager, upon recommendation of the department head, may approve use of sick leave, other available leave, or a leave absence without pay, as appropriate, to enable a permanent employee who requests such leave to participate in programs and facilities for mental health, drug or alcohol rehabilitation, and may refer the employee to appropriate counseling or rehabilitation resources when:

- (1) the employee requests such referral; and/or
- (2) an employee's documented work performance indicates to the City Manager that such assistance may be of value in resolving the employee's problems affecting such work performance.

An employee shall not be required to participate in such activities, however, any employee who requests and/or receives such leave and/or referral shall be expected to effectively correct work performance problems in a reasonable period of time or he/she may be subject to disciplinary action, including discharge, in the same manner and by the same standards as an employee who has not sought or received such leave and/or referral.

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3.11.08 CERTIFICATION OF CAUSE

An employee who is absent on sick leave three (3) or more consecutive working days shall file with the Personnel Officer, through department management, a physician's certificate or personal affidavit explaining the cause of such absence.

When an employee's period of absence exceeds two (2) calendar weeks, the City Manager may require submittal of periodic reports from the attending physician concerning the employee's condition and ability to return to and continue work and may require the employee to submit to an examination by a City designated physician.

Nothing herein shall prohibit the department head or Personnel Officer from requiring a physician's certificate for each absence, regardless of duration.

3.11.09 ABUSE OF SICK LEAVE

Frequent use of sick leave, if not corrected after counseling, may be considered abuse of sick leave. Abuse of sick leave shall be just cause for disciplinary action. If it is substantiated that an eligible employee has received paid sick leave in violation of the provisions of this Rule, the City Manager shall require restitution and shall revoke any further paid sick leave during the same period of absence.

3.11.10 MEDICAL AND DENTAL APPOINTMENTS

Employees shall schedule medical and dental appointments during non-working hours whenever possible. In the event scheduling during working hours is unavoidable, advance approval of the department head or his/her designee is required except in cases of accident or acute illness.

3.11.11 FAMILY SICK LEAVE

Subject to the approval of the department head, an eligible employee may utilize up to the equivalent of three (3) working days annually of unused sick leave to care for

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members of his/her immediate household who have suffered an illness or injury. This provision includes attendance on date of spouse's childbirth, surgery, and urgent medical attention for household members. Upon written request from an employee, the City Manager may approve in advance an extension of this provision to other members of the immediate family when circumstances warrant.

3.11.12 SICK LEAVE DURING VACATION AND ON OFFICIAL HOLIDAYS

If an eligible employee becomes ill or injured while on authorized vacation leave, the City Manager may approve charging the period of incapacity to sick leave upon written request and presentation of a doctor's certificate stating the extent, and dates of the illness or injury. Sick leave shall not be approved for official holidays.

3.11.13 USE OF MEDICATION WHICH AFFECTS PERFORMANCE

In the event an employee, for medical reasons, is required to take medication which may affect his/her ability to perform his/her regular duties (e.g. driving, operating machinery), the employee shall so advise his/her supervisor to enable appropriate assignment of duties. A doctor's confirmation of the need for such medication may be required in cases of sustained or frequent use.

3.11.14 REQUIRED ABSENCE DUE TO PHYSICAL OR MENTAL UNFITNESS

Whenever the department head or the City Manager has reasonable cause to believe that by his/her presence an employee's physical or mental condition may be an immediate health and safety hazard to the employee or other employees, the employee may be required to absent himself/herself and charge the absence to unused sick leave or other unused leave which he/she may designate; an employee who has insufficient leave available or who chooses not to charge leave shall be required to take leave without pay. An employee who disagrees with the decision shall be required by the City Manager to submit himself/herself to an examination/evaluation by a City designated physician at City expense.

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Under these conditions, only a written medical release from the City designated physician shall permit the employee to return to work. Instances of required absence shall be so noted and may not be a basis for charges of sick leave misuse or excessive absenteeism, however, refusal of an employee to comply with this section shall be just cause for disciplinary action.

3.11.15 MEDICAL EXAMINATION/EVALUATION

The City Manager may, at City expense, authorize a medical examination/evaluation of employee health/fitness when determined to be in the City's best interests. The purpose of the examination shall be to determine an employee's fitness to perform the requirements of the job. If requested, in writing by the employee, the physical examination forms will remain with the examining physician. However, any recommendations by the physician to the employee to correct any physical problem determined outside "normal limits" by the physician for that individual shall be forwarded to the Personnel Officer.

3.11.16 MEDICAL RELEASE

An employee who has suffered an illness or injury of potentially serious consequences shall be required to submit to the City Manager a medical release from his/her attending physician prior to returning to any part of his/her regular duties especially when the illness or injury may affect adversely the health or safety of the employee or other employees by a premature return to work. The City Manager also may require an employee to undergo an examination by a City designated physician, and may disapprove the employee's return to work if, in the opinion of the City physician, the employee constitutes a liability risk. The City Manager may order an employee to return to work if the City designated physician reports the employee is capable of doing so.

An employee absent for any period of time due to an injury on which a worker's compensation claim was submitted shall be required to submit a medical release before returning to work.

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3.11.17 PAYMENT FOR UNUSED SICK LEAVE

- A. The rate of pay to be used in calculating the payment for such leave shall be the rate of pay at the time of accrual, and not the rate of pay at any subsequent time. Sick leave shall be consumed with that first accrued being first used thereby allowing those days accumulating last (with the highest rate of pay) to be calculated for the purpose of termination. That portion of an employee's unused sick leave for which payment is not provided shall be cancelled and shall not be restored if the employee is reinstated, (See Section 3.13.21).

- B. When termination is caused by death of the employee, said payment for unused sick leave shall be paid to the beneficiary designated most recently in writing by the employee. Such written designation shall be notarized by the City Clerk and filed with the Personnel Officer. In the event an employee has not designated a beneficiary, the payment shall be made to the estate of the employee.

3.11.18 PREGNANCY DISABILITY LEAVE

See Section 3.12.18.

3.11.19 INDUSTRIAL DISABILITY LEAVE

An employee who is unable to work due to an injury or illness, arising out of and in the course of his/her duties, which is declared to be compensable under the State of California Workers' Compensation Law, shall be granted industrial disability benefits, subject, however, to the provision of Section 11.20, as follows:

- A. A Sworn Safety employee shall be granted industrial disability leave and temporary disability benefits in accordance with Section 4850 of the California Labor Code. Temporary disability payments shall be endorsed to the City during such leave.

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- B. A General permanent employee shall be granted leave with full compensation for the initial three (3) months. Use of sick leave shall not be required during that period, however temporary disability and long term disability payment shall be integrated and endorsed to the City. Fringe benefits shall be continued as usual. After the initial three (3) months, until the employee is recovered, or determined permanent and stationary or permanently disabled, workers' compensation and long term disability benefits may be integrated with unused sick leave to assure no loss of pay. The employee shall be responsible for payment of the cost of continuance of any health, life, disability or dental coverage which he/she desires to retain.
- C. A General non-permanent employee shall receive temporary disability payments in accordance with the law.
- D. Employee returning from industrial disability leave must submit a medical release in compliance with Section 3.11.16 before the first day at work.
- E. In the event that an employee's claim of industrial disability is disallowed, any time off work for the disallowed disability shall be charged to sick leave, or if the employee so requests may be charged to other available leave or deducted from pay.
- F. Employees shall be subject to light duty requirements in Section 3.11.20.

3.11.20 LIGHT DUTY

- A. Industrial Disabilities In the event that an employee on industrial disability leave is medically certified able to return to work with specific restrictions, he/she may request or be required by the City Manager to return to a temporary work assignment which complies with medical restrictions. Such temporary work assignments may be to the same class the employee normally occupies or to another class, division, or

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department, as the needs of the City require. Medical release provisions of Section 3.11.16 shall apply and be complied with before the first day at work. An employee on a temporary light duty assignment shall be paid at his/her current pay rate regardless of assigned duties. In case the person is not working full-time, available sick leave or other accrued leave may be used to offset reduced pay or integrate with other benefits if necessary. General employees who have exhausted paid industrial disability provisions in Section 3.11.19 shall be paid for hours worked only.

Light duty assignments shall be during periods of recuperation or until an employee's condition is declared permanent and stationary. Doctor's certificates shall be required at two (2) week intervals to evaluate progress and enable a return to full duties as soon as medically approved.

B. Non-Industrial Disabilities Employees who are medically certified able to return to work with specific restrictions, may request a temporary work assignment which complies with medical restrictions. Such requests shall be granted or denied at the discretion of the City Manager depending on the nature and severity of the disability and the needs of the City. Placement in work assignments, and submittal of regular medical reports shall be as stated in A of this section. Employees who are working less than full-time shall be compensated at their current pay rate for hours worked only. In case the person is not working full-time, available sick leave or other accrued leave may be used to offset reduced pay or integrate with other benefits if necessary.

C. Employees on temporary light duty assignments shall be off duty on official holidays.

D. Light duty assignments shall be evaluated regularly and shall require the written approval of the City Manager for periods in excess of fourteen (14) calendar days.

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E. Nothing herein shall require the City Manager to approve light duty assignments nor shall give an employee the right to refuse an assignment which complies with medical restrictions. Such refusal may subject an employee to loss of benefits and/or disciplinary action.

3.11.21 ADMINISTRATION

The City Manager shall establish necessary controls and procedures for the administration of sick and disability leave provisions. Each department head is responsible for insuring that sick and disability leave benefits are neither abused nor misused. In case of doubt as to the proper application of this Section the City Manager shall make the final determination.

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3.12.01 INTENT

The purpose of annual vacation leave is to allow each eligible employee a period of relaxation to enable him/her to return to his/her work mentally and physically refreshed.

3.12.02 ELIGIBLE EMPLOYEES

When eligible, permanent and probationary employees shall accrue and use vacation leave as provided in this Section. Other employees shall not be eligible to receive this benefit.

3.12.03 ACCRUAL

Permanent and probationary employees shall accrue vacation leave at the rates set forth in the current applicable compensation and benefits, or Memorandum of Understanding, approved by the Council.

An employee who is in pay status at least one-half of the regularly scheduled work hours in a pay period shall accrue one-half of the regular monthly vacation leave for that pay period, prorated for actual hours worked. An employee who is in pay status less than one-half of his/her regularly scheduled work hours shall accrue vacation leave on the basis of actual hours worked.

3.12.04 ACCRUAL DURING PROBATION

During the initial six (6) months of actual service, probationary employees may neither accrue nor use vacation leave. Upon successful completion of the initial six (6) months of actual service, vacation shall be deemed accrued from the original date of appointment. In the event of extension of probation beyond six (6) months for General employees, vacation shall be deemed accrued upon successful completion of probation. Permanent part-time employees shall accrue and may use one-half of full-time vacation leave for the class upon successful completion of probation. Accrual for management employees may occur prior to the initial six (6) months on recommendation of the department head and approval of the City Manager.

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3.12.05 VACATION ACCUMULATION

An employee shall not accumulate more than the equivalent of 18 (eighteen) months of annual vacation accruals. On the yearly anniversary of employees, unused accrued vacation in excess of 18 (eighteen) months of annual vacation accruals shall be forfeited. An employee shall received reasonable notice of the amount of accumulated vacation leave in advance of each anniversary date.

Department heads shall give employees reasonable advance notice if vacation leave will conflict with the department needs and shall advise the City Manager if vacation denial is the reason for an employee's deferral request. Requests for deferring vacation use must be presented to the City Manager sixty (60) calendar days before the end of the calendar year in which the vacation leave was to be taken. In granting deferrals, the City Manager may specify a time within which such excess vacation leave must be used. Failure to use such excess vacation leave within the time specified by the City Manager shall cause the excess to be forfeited.

3.12.06 CREDITING VACATION

Full-time employees, excluding seasonal and part-time temporary, shall be credited with vacation leave as follows:

1. Management Employees

- a. Vacation will be accrued at the rate of 3.08 hours of continuous service each bi-weekly pay period.
- b. Management leave will be accrued at the rate of 1.54 hours of continuous service for each bi-weekly pay period.

2. General Unit/Police Employees

- a. Vacation leave shall be accrued at the rate of 3.08 hours of continuous service for each bi-weekly pay period.

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3.12.07 USE OF VACATION

The time at which an employee may use vacation leave and the amount to be taken at any one time shall be determined by the department head with particular regard for the needs of the City and, insofar as possible, considering the wishes of the employee. Except in unusual circumstances, use of vacation leave shall be scheduled and approved in advance of the first day of absence. Approval of use of vacation leave shall be in a form and manner prescribed by the Personnel Officer.

3.12.08 USE OF VACATION INCREMENTS

As an aid in achieving the stated intent of vacation leave, it is desirable for employees to use vacation leave in increments of at least five (5) consecutive working days. However, employees shall not use vacation leave in increments of less than one (1) working day. Sworn Police employees shall use vacation leave in compliance with Government Code Sections 53250 and 38634, respectively.

3.12.09 WORK DURING VACATION

Employees shall not work for the City or be called back during vacation leave except in an emergency as determined by the department head and approved by the City Manager. An employee required to work shall not be charged for vacation leave and shall be compensated as if working on his/her regular schedule.

3.12.10 VACATION PAYMENT AT TERMINATION

A. An eligible employee who has successfully completed the initial six (6) months of actual service (twelve (12) months for permanent part-time employees) and terminates employment will be paid in a lump sum for unused accumulated vacation at the time of termination. In the event of extension of probation beyond six (6) months for General employees, payment for vacation shall occur only upon the successful completion of probation. Payment for unused vacation shall be made at the rate of pay in effect for such employee at the time it was accrued. Vacation days shall be used

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commencing with those first earned, thus vacation days left for calculation of payment of unused vacation at time of termination shall be those vacation days earned at the highest rate of pay.

- B. When termination is caused by the death of the employee, said payment for unused vacation leave shall be paid to the beneficiary the employee has designated most recently in writing, notarized by the City Clerk and filed with the Personnel Officer. In the event an employee has not designated a beneficiary, the payment shall be made to the estate of the employee.

3.12.11 SICK LEAVE DURING VACATION

Upon an employee's request to the City Manager, such time as is medically certified in accordance with Section 3.11, Health Policies and Sick and Disability Leave, shall not be charged to vacation leave.

3.12.12 HOLIDAYS DURING VACATION LEAVE

Employees shall not be charged vacation leave for official holidays that occur during vacation. Such time shall be recorded as a paid holiday for payroll purposes.

3.12.13 LEAVE OF ABSENCE

- A. When determined to be in the best interests of the employee and the City, the City Manager may approve a leave of absence without pay to a permanent or probationary employee for a period up to six months. Such leave is a privilege, not a right, and must be requested in writing by the employee, stating the reason and requested dates, and must be recommended by the department head. The request shall include the address and the phone number where the employee may be contacted during the leave, if approve.

Leave for one (1) calendar week or less may be granted by the department head upon his/her determination that such leave is justified.

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- B. Employee benefits shall not be continued during leave in excess of one (1) calendar week unless any insurance contract provisions permit and the employee agrees in writing to pay the total monthly cost or a portion thereof, as appropriate, by a method satisfactory to the Finance Director. Benefits not paid as agreed shall terminate. Employees on leave of absence without pay in excess of one (1) calendar week shall not accrue leave nor service credit, but shall retain unused accruals as of the date leave began. Employees on leave in excess of thirty (30) calendar days shall return City property as set forth in Section 3.13.06.
- C. An employee returning to the same classification from which he/she took leave shall be paid at the current rate in the same step and range of the class in which employed.
- D. An employee on leave shall confirm in advance of the leave expiration date his/her intention to return. An employee who fails to report promptly at the expiration of his/her leave without sufficient cause shall be subject to disciplinary action and possible termination of his/her right to continued employment. A leave of absence may be revoked by the City Manager upon a determination that the reason for leave was not as stated and did not serve the City's best interests.

In either case, the employee shall be notified by certified mail; permanent employees shall be given an opportunity to respond as set forth in Section 14, Discipline.

3.12.14 UNAUTHORIZED ABSENCE

Except in extraordinary circumstances, an employee who is unable to report for work shall notify his/her department head or supervisor prior to or within one (1) hour after the time set for reporting to work. Failure to do so may result in the period of absence being considered as unauthorized leave. Any unauthorized absence shall be considered to be without pay and an employees pay shall be reduced accordingly. Unauthorize absences and/or failure to return to work within twenty-four (24) hours after being so instructed

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may constitute grounds for disciplinary action, which may include discharge. An employee absent without leave for forty-eight (48) hours shall be deemed to have automatically resigned and waived all rights under these Policies and Procedures and the Personnel Ordinance.

3.12.15 FUNERAL/EMERGENCY LEAVE

Employees shall be entitled to up to three (3) calendar days of paid leave for each occurrence of death or serious illness or accident determined to possibly lead to death in the immediate family unless provided otherwise in a Memorandum of Understanding. In the event three (3) calendar days may be granted and any working days shall be charged to the employee's sick leave and/or vacation time, as designated by the employee. Additional days may be approved by the City Manager and charged to the employee's available unused leave. This leave shall not be accumulated and is in addition to sick leave and vacation benefits except where additional time off is taken as provided above.

Request for funeral/emergency leave must be in writing, state the relationship of the family member, and be approved in advance by the department head and City Manager. In special emergencies, an employee may request formal approval after the fact; if approved, leave records shall be adjusted accordingly. Death following a serious illness shall generally be regarded as one (1) occurrence, however, department heads shall be responsible for recommending otherwise when, in their judgement, the nature or severity of the illness and/or lapse of time warrants.

3.12.16 MILITARY LEAVE

Military leave shall be granted in accordance with the Provisions of California State Law (Military and Veterans Code Section 395 et seq). The employee shall furnish the Personnel Officer with copies of the military orders and shall give the department head and the City Manager the opportunity, within the limits of military necessity and regulations, to determine when such leave shall be taken. An employee returning from military leave may be required to pass a medical examination and shall be required to submit proof of actual service before returning to work.

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3.12.17 JURY DUTY AND COURT APPEARANCES

- A. Permanent and probationary employees required to report for jury duty during regularly scheduled work hours shall notify the department head as soon as possible and shall be entitled to leave with pay until released by the court; provided the employee remits to the City within five (5) calendar days after receipt, all fees excepting those specifically allowed for mileage and subsistence.
- B. An employee who is subpoenaed to appear in court during regularly scheduled working hours, solely as a result of employment with the City shall receive full pay for such appearance until released by the court; provided the employee remits fees received by the City in the manner specified for jury duty. An employee subpoenaed to appear in court in a matter unrelated by his/her City employment, shall be permitted time off without pay unless the employee chooses to utilize available unused leave.
- C. An employee shall advise department management when the court releases him/her and department management then shall determine when the employee shall return to complete regularly scheduled work hours giving due consideration to the court schedule of the employee in the preceding twenty-four (24) hours, and department staffing and service needs.

The employee is responsible for keeping his/her department head informed of his/her court schedule. Department heads shall be responsible for assuring compliance of employees with these provisions and seeking an exemption through the City Manager from jury officials when an employee's absence shall seriously impair City operations.

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3.12.18 MATERNITY LEAVE AND PREGNANCY DISABILITY

Pregnant employees may request leave without pay as provided in Section 3.12.13. If an employee is medically certified disabled and unable to work as a result of pregnancy, childbirth or related medical conditions, she shall be entitled to use, as medically required, up to four (4) months of the permitted maximum of six (6) months leave of absence. During such period of disability, the employee shall be subject to the same conditions and rights available to other employees who are temporarily disabled and unable to work for reasons other than industrial disabilities. This includes the right to use accrued sick and vacation leave or other accrued leave; otherwise leave shall be without pay.

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3.13.01 DEFINITION

Separation from the City Service shall be considered permanent except in the case of layoff.

3.13.02 RESIGNATION

An employee who wished to resign shall submit his/her written resignation to the department head at least fourteen (14) calendar days in advance of the resignation date. Written notice shall include the effective date of and the reason for resignation and shall be forwarded to the Personnel Officer. The failure of an employee to give the required timely notice may be cause for denying future employment. Written resignations may be withdrawn only with the approval of the City Manager upon the recommendation of the department head.

When an employee resigns to avoid disciplinary charges or discharge, the effective date of his/her termination shall be set by the department head with the approval of the City Manager. The employee may work the remaining scheduled hours or be paid in lieu of working, as determined to be in the best interest of the City.

3.13.03 REINSTATEMENT

An employee who requests to return to City employment within twelve (12) months after resignation may be considered as provided in Section 3.7.10.

3.13.04 RETIREMENT

Employees who are eligible and desire to retire from the City Service shall advise the department head and initiate arrangements with the Personnel Office at least ninety (90) calendar days under normal circumstances, in advance of the planned retirement date.

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3.13.05 DISCHARGE

A permanent classified employee may be discharged as set forth in Section 3.14; probationary rejection shall be in accordance with Section 3.7. Discharge shall usually constitute a bar to future employment.

3.13.06 RETURN OF CITY PROPERTY

An employee who separates for any reason or is laid off from the City Service shall return all issued City equipment, identification cards, credit cards, and keys on the last day of work. Identifiable replacements costs of unreturned items shall be deducted from an employee's final check. City property must be satisfactorily accounted for before release of the final check.

3.13.07 PERFORMANCE EVALUATION AND EXIT INTERVIEW

An employee who is separating or laid off from City Service shall be evaluated before the effective separation date and the performance evaluation process in accordance with Section 3.7. The department head shall state on the performance evaluation whether a separation is in good standing. An exit interview generally shall be scheduled with the Personnel Office prior to the last day of work; an employee's refusal to be interviewed shall be noted in his/her personnel file. Employees being laid off shall complete a medical checklist and attest to complete recovery of any workers' compensation injuries unless under treatment, the details of which shall be noted.

3.13.08 PAYMENT/REIMBURSEMENT OF LEAVE AND BENEFITS

Employees who are terminated shall receive payment from and/or reimburse the City for leave or other benefits in accordance with current applicable compensation and benefits plans and these Rules.

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3.13.09 DEFINITION OF LAYOFF

The separation of employees from the active work force due to lack of work or funds, organizational or duty changes, or the abolition of positions by the Council. The City Manager shall designate the number and depositions for layoff as approved by the Council.

3.13.10 ORDER OF LAYOFFS

In the event of the need for layoffs, employees will be laid off in the following order:

- 1) Temporary
- 2) Permanent Part-time
- 3) Probationary
- 4) Permanent

Layoff shall be based on seniority in class, which shall be defined as the employee's total continuous time of permanent and probationary employment in the class in which employed unless the applicable Memorandum of Understanding provides otherwise. Total continuous time shall include military leave in accordance with State law. In the event two (2) employees have identical seniority, the employee who had the highest ranking on the employment list for the position currently held shall have precedence. In the absence of a list, the drawing of lots shall decide which employee is senior. No probationary nor permanent employee shall be laid off while any temporary employee occupies a position in the same class. The Personnel Department shall provide seniority lists before layoff notices are prepared.

3.13.11 NOTICE TO EMPLOYEES

Permanent and probationary employees shall receive written notice (to be hand-delivered by the department management whenever possible) stating the reason for layoff a minimum

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of thirty (30) calendar days prior to the date of expected layoff. Similar notice shall be provided to any affected recognized employee organizations representing the classes. As a matter of courtesy, written notice will be given at the earliest possible date but in no event less than thirty (30) days to exempt employees who will be laid off. With such notice, the employee shall be informed of the procedure to be followed and the rights to which he/she is entitled. Department heads shall make every effort to allow employees who are to be laid off reasonable time off to seek other employment. Pay for such time off shall be provided to full-time permanent and probationary employees only.

3.13.12 POSITIONS AVAILABLE FOR EXERCISE OR DISPLACEMENT OR PRIORITY EMPLOYMENT RIGHTS

An employee may exercise displacement or priority employment rights only for positions which the City intends to fill.

3.13.13 DISPLACEMENT

A full-time permanent or probationary employee who is laid off from his/her classification shall be entitled to displace another employee with less seniority in an equal or lower paying classification within the representation unit for which he/she meets the minimum qualifications and in which he/she has held prior permanent status unless provided otherwise in an applicable Memorandum of Understanding. To successfully displace another employee, an employee must be fully qualified, trained, and capable of performing all work in the new classification. Permanent part-time employees may displace only other permanent part-time employees. When minimum qualifications have increased, the Personnel Officer temporarily may waive the increased requirements if previous successful performance is documented and provided the requirements are met within a reasonable time.

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The seniority in the new class of a laid off employee who has successfully displaced another employee shall be based on total actual time in service in the class unless an applicable Memorandum of Understanding provides otherwise. Employees identified for layoff who have displacement rights to equal or lower paying classifications must declare their intention to exercise these rights at least twenty (20) calendar days prior to layoff, otherwise displacement rights will automatically terminate. Employees of another representation unit may not be displaced. (An employee who declares displacement rights may not also claim priority employment rights for other vacant positions pursuant to Section 13.16) Employees laid off as a result of another employee's exercise of displacement rights shall not be entitled to an additional thirty (30) calendar days notice, but the minimum notice shall be fourteen (14) calendar days.

3.13.14 PAY FOLLOWING EXERCISE OF DISPLACEMENT RIGHTS

An employee who is displaced to another classification shall be assigned to a pay step in the current range of the new classification which represents the least loss in base pay. An employee displaced to a position in the same classification shall retain the same base pay.

3.13.15 PRIORITY EMPLOYMENT RIGHTS WITHIN REPRESENTATION UNIT

After all employees have exhausted their displacement right provided by the Memorandum of Understanding of their respective representation unit and/or Section 3.13.13, any vacant positions remaining in the unit may be filled by displaced unit employees with the most total unit seniority, who meet the minimum qualifications for the vacant positions. However, no employee shall fill a vacant position which is at a higher salary range than that from which he/she was originally laid off.

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3.13.16 PRIORITY EMPLOYMENT RIGHTS OUTSIDE REPRESENTATION UNITS

If all displaced members in a unit have filled vacant positions under the above provisions, and vacancies remain, employees who are laid off in other representation units may request priority employment rights for such vacant positions which have no reemployment list and for which they meet the minimum requirements of the position. However, such minimum requirements may be waived by the Personnel Officer provided the employee meets the educational requirements for the position and has the capacity, adaptability and special skills needed to perform the duties of the position. Such employees shall be offered priority employment rights to vacancies for which the employees are qualified for a period beginning with notification of layoff and ending ninety (90) calendar days after layoffs occur. Priority employment rights may not be utilized to move to a classification in a higher salary range than that from which the employee was originally laid off.

3.13.17 PAY FOR EMPLOYEE EXERCISING PRIORITY EMPLOYMENT RIGHTS

An employee exercising priority employment rights to occupy an available position shall be paid at the current range for that classification and at a pay step recommended by the department head and approved by the City Manager.

3.13.18 REEMPLOYMENT LISTS

Permanent and probationary employees who are laid off, demoted, or who have exercised employment rights set forth in this Rule in lieu of layoff shall have their names placed on reemployment lists for the classification from which laid off and any classification previously held in order of total continuous time served in probationary and permanent status in the City Service.

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3.13.19 LIFE OF REEMPLOYMENT LIST

Layoff reemployment lists remain in effect for twenty-four (24) months from the date of establishment and shall take precedence over other employment lists. The list shall be terminated at the end of twenty-four (24) months.

3.13.20 STATUS OF A LAID OFF EMPLOYEE

Layoff for permanent and probationary employees is not considered separation. Separation occurs at the end of the life of a reemployment list, unless the employee chooses to separate in lieu of being placed on a reemployment list, or requests in writing to be removed from the reemployment list(s).

3.13.21 FRINGE BENEFITS

In the event of layoff, a full-time permanent or probationary employee may continue to participate in the employee benefit plans if premiums are paid in full by the employee and any insurance contract permits. Agreement to pay premiums must be in writing and by a method agreeable to the Finance Director.

Other fringe benefits such as workers' compensation and unemployment insurance shall cease on the last day of payroll. Leave accruals will cease on the last day of payroll. Any unused accrued discretionary and floating holiday leave should be used within the thirty (30) calendar day notice period as such leave cannot be paid or carried as an accrual.

Contributions to the Retirement System will cease on the last day of payroll.

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Employees who have less than five (5) years service may apply for a refund or leave funds on deposit for one (1) year. These options are subject to contract provisions and details should be obtained from the Personnel Officer.

Payment shall be made in a lump sum of unused accrued sick leave to permanent employees either at the time of layoff or at the end of the life of the reemployment list, unless separation occurs sooner, as follows:

<u>Years of Service</u>	<u>% payable</u>
0-4.99	0
5-9.99	25
10-14.99	50
15-19.99	75
20+	100

Employees electing to receive payment in accordance with the above schedule at the time of layoff or separation shall forfeit the unused accrued sick leave balance. However, an employee who is reemployed during the life of the reemployment list may also elect to repay the amount received and have the full amount of unused accrued sick leave reinstated as it was at the time of layoff or separation.

Payment for unused vacation time shall be made in a lump sum upon layoff unless the employee chooses to take his/her vacation pay in a lump sum at a later time during the life of the reemployment list.

3.13.22 RECALLING LAID OFF EMPLOYEES

The City shall notify laid off employees when positions are available which have effective reemployment lists. The status (e.g. permanent, part-time, full-time, etc.) of positions to be filled shall be at the sole discretion of the City Manager based on the needs of the service.

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3.13.23 NOTICE OF REEMPLOYMENT OPPORTUNITY

The City shall send notice of reemployment by certified mail to the last address of record, but has no responsibility to attempt to trace an employee if such notice is not delivered by the Post Office. It is the responsibility of the employee who has been laid off to keep the City informed of his/her current address and telephone number. Employees have ten working days from the mailing date in which to notify the City Personnel Office regarding their intention to return to a position offered. If at the end of ten (10) working days from the date of mailing, no response has been received from the laid off employee, the City shall fill positions in the following order:

- (A) The laid off employee next in line for recall, if available for work, until the reemployment list is exhausted, and then;
- (B) By the normal recruiting process.

If an employee on layoff fails to respond within ten (10) working days of mailing of two (2) separate written offers of reemployment sent by certified mail, the employee shall forfeit the right to reemployment and his/her name shall be removed from the reemployment list. An employee on layoff shall not otherwise forfeit the right to reemployment or his/her place on the list by a refusal of an offer of reemployment.

In order to expedite the reemployment process, the City may notify more than one employee simultaneously, indicating the order of priority to each person.

The right to reemployment is contingent upon the ability of the employee to meet the physical and other requirements of the position to which the employee is being recalled.

3.13.24 STATUS OF REEMPLOYED EMPLOYEE

A permanent or probationary employee reemployed in a permanent or probationary position within twelve (12) months following layoff shall receive credit for prior service for

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purposes of vacation accrual and seniority. Benefits shall not be accrued during the layoff period however, an employee reemployed in a probationary or permanent position shall retain the sick leave balance on record at the time of lay-off.

If PERS funds have been withdrawn, the employee must reach an agreement with PERS as to appropriate arrangements for reinstatement to the retirement system.

3.13.25 PROBATION FOR REEMPLOYED EMPLOYEE

A probationary period of the length usually required for that class shall be required for an employee reemployed into a classification not previously occupied. All provisions for probationary employees shall apply except in the case of rejection, the employee's name would remain on the reemployment lists for other classes.

3.13.26 ANNIVERSARY DATE OF REEMPLOYED EMPLOYEE

Layoff time which exceeds thirty (30) calendar days shall cause the anniversary date of the employee to be adjusted commensurate with the length of absent from pay status consistent with Section 3.7.08.

3.13.27 EVALUATION DATE OF REEMPLOYED EMPLOYEE

Layoff time which exceeds thirty (30) calendar days shall cause the evaluation date of the employee to be adjusted commensurate with the length of absence from work.

3.13.28 PAY OF REEMPLOYED EMPLOYEE

(A) An employee reemployed into the classification from which originally laid off shall be paid at the current rate for that classification and at the pay step held at the time of layoff.

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- (B) An employee reemployed into a classification previously held but not that from which originally laid off shall be paid at the current rate for that classification and at the pay step which most closely approximates, but does not exceed, the pay step held in the classification from which originally laid off.
- (C) An employee reemployed into a classification not previously held shall be paid at the current rate for that classification and at a pay step recommended by the department head and approved by the City Manager.

3.13.29 MEDICAL EXAMINATION FOR RECALLED EMPLOYEE

Any employee, to be reemployed, must pass a medical examination administered by a City designated physician.

3.13.30 EXCEPTION

The City Manager may approve deviations from seniority in layoffs, or demotion in lieu of layoff, in those cases where, because of the specifics or unusual demands of a given position, the application of seniority alone would result in the assignment and retention of employees without special skills and/or training to maintain a satisfactory level of performance within a reasonable training time. In such cases, the affected employees shall be given written notice of the determination and the reasons therefor.

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3.14.01 POLICY

The City may reprimand, suspend, demote, or discharge any employee in the City Service. Cause shall be established for permanent classified employees. The disciplinary process shall provide counseling and warnings as needed to an affected employee before a disciplinary action is taken. However, immediate action may be taken or an employee relieved from duty pending investigation in case of emergency or when a matter is of sufficient magnitude as required.

3.14.02 CAUSES FOR DISCIPLINE

Employees in the City Service may be disciplined for reasons which include, but are not limited to, the following:

- (A) Excessive absenteeism, tardiness, or absence without authorized leave;
- (B) Incompetence, inefficiency, or neglect of duty;
- (C) Under the influence of alcohol, drugs, or other intoxicants while on duty;
- (D) Furnishing false information to secure appointment;
- (E) Falsification of time sheets or any official City records;
- (F) Disclosure of confidential information to unauthorized source;
- (G) Negligent damage to or waste of public property, equipment or supplies; or unauthorized use of public property, supplies or equipment for personal or private purposes;
- (H) Insubordination which shall mean refusal or failure to follow a direct lawful order which the employee is capable of following;

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- (I) Discourteous or disrespectful treatment of the public; other employees, or City officials;
- (J) Conviction of any felony or misdemeanor in accordance with Council policy. A plea or verdict of guilty, or a plea of nolo contendere, is deemed to be a conviction within the meaning of this section;
- (K) Subjecting the City to repeated attachment of wages;
- (L) Refusal to take and subscribe to any oath or affirmation which is required by law in connection with employment by the City;
- (M) Conduct either during or outside of duty hours which damages the City or its reputation; and
- (N) Violation of City Personnel Policies and Procedures, Administrative Rules, Departmental Rules and Regulations, Safety Rules, Resolutions, Ordinances, and Codes.

In the event that any of the above causes are declared unconstitutional or legally void, the remainder shall continue in effect.

3.14.03 WARNINGS AND REPRIMANDS

An employee whose work or conduct is unsatisfactory but not sufficiently deficient to warrant more stringent action, shall be counseled and given a written warning notifying him/her of unsatisfactory work or conduct and a reasonable opportunity to improve. Such warning may be placed in the employee's official personnel file after being signed by and a copy given to the employee. Refusal to sign shall be noted, initiated, and witnessed before filing. An employee who disagrees with the content of the warning may file a rebutting statement within thirty (30) calendar days which shall be placed in his/her personnel file with the warning. Reprimand for specific incidents shall be given by the same process. The notice and hearing processes required in

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this Rule shall not apply to warnings and reprimands. Failure to correct deficiencies and improve work or conduct may result in further discipline including demotion, suspension and/or discharge.

3.14.04 DEMOTION

An employee may be demoted to a lower-paid class as a disciplinary action as set forth in Section 3.7, Appointments and Probation; Section 3.8, Performance Evaluations, and Section 3.9, Compensation and Hours. A rationale for demotion as a disciplinary action is stated in Section 3.7, Appointments and Probation.

3.14.05 SUSPENSION

An employee may be suspended without pay or benefits as a disciplinary action for up to thirty (30) calendar days. Suspensions generally shall occur after pre-disciplinary hearings. However, suspensions of five (5) working days or less may occur immediately after notice at the discretion of the Personnel Officer; the employee may respond or request a hearing during the suspension or within a reasonable time thereafter.

3.14.06 DISCHARGE

Employees may be discharged by the City Manager. Permanent classified employees shall be discharged only after appropriate disciplinary proceedings as set forth in this Rule. Discharge shall usually constitute a bar to future employment. Employees discharged for cause are not eligible for payment of unused accrued sick leave per Section 3.11.17.

3.14.07 WHO MAY INITIATE DISCIPLINARY ACTION

Disciplinary action may be taken by a department head with the concurrence of the Personnel Officer or by the City Manager. Concurrence may be obtained after the fact when immediate action is required.

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3.14.08 FINAL APPROVAL OF DISCIPLINARY ACTION

The approval of the City Manager shall be required before a disciplinary action becomes final.

3.14.09 EMPLOYEE REPRESENTATION

An employee may have a representative of his/her choice present at all stages of the disciplinary process.

3.14.10 ELIGIBILITY FOR HEARING AND APPEAL

Only permanent employees in the Classified Service shall have the right to the hearing and appeal process defined in this Rule. Chapter 9.7, Title 1, Division 4 (Section 3300-3311) of the California Government Code shall prevail for peace officers.

3.14.11 NOTICE OF PROPOSED DISCIPLINE

Except in cases of emergency or when immediate action is required, notice shall be given by the department head to the affected employee not less than five (5) working days in advance of the date of a proposed suspension, demotion or discharge. Notice shall be given by personal delivery acknowledged by a signed receipt, or certified by return receipt mail and shall be deemed given when deposited with the U.S. Mail. A copy shall be field with the Personnel Officer prior to delivery to the employee. The notice shall contain the following information:

- (A) The action proposed and effective date intended.
- (B) A statement of the rule(s) and/or regulation(s) allegedly violated.
- (C) The specific charges against the employee.
- (D) Availability of records and documentation on which the proposed action is based.

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(E) The employee's right to respond in writing or request a hearing, to whom, where, and the date by which a response or request is required. If a hearing is requested the employee shall be advised of the place, date, and time, and the employee's right to have a representative of his/her choice present.

3.14.12 THE HEARING

The hearing is an informal meeting at which the employee has an opportunity to rebut the charges against him/her or to state any mitigating circumstances. The department head will hear and consider the facts presented by the employee.

3.14.13 EFFECTIVE DATE OF DISCIPLINE

Disciplinary action shall be effected on the date stated in the notice to the employee unless otherwise extended by the Personnel Officer.

3.14.14 PERSONAL APPEARANCE

An employee shall appear personally at any disciplinary hearing and/or appeal of which he/she is the subject unless he/she is physically incapacitated and incapable of doing so.

3.14.15 NOTICE OF DECISION

Following receipt and consideration of the written response or facts stated at the hearing, or following no response by the required date, the department head shall prepare a notice of the action to be taken, its effective date, an appeal rights, and file a copy with the Personnel Officer. The notice shall be delivered or sent by certified mail to the employee.

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3.14.16 APPEAL OF DECISION

In the event that an affected employee is not satisfied with the decision after the hearing and/or the employee's response, the decision may be appealed in writing to the City Manager within seven (7) calendar days from receipt of the department head's decision except where the City Codes or Rules and Regulations provide another appeal process. Within seven (7) calendar days from the filing of the appeal, the City Manager shall hear the matter. The City Manager shall have the power to:

- 1) compel the attendance of witnesses;
- 2) require the production of evidence by subpoena; and
- 3) administer oaths to witnesses.

Subpoenas shall be issued in the name of the City and attested by the City Clerk. Arrangements shall be made for recording proceedings upon request of the City or the employee at a cost to the requesting party. Within seven (7) calendar days after the conclusion of the hearing, the City Manager shall give his/her written decision to the employee. The decision of the City Manager shall be final and binding. Chapter 9.7, Title 1, Division 4 (Section 3300-3311) of the California Government Code shall prevail for peace officers.

3.14.17 NO RETRIBUTION FOR APPEAL

No employee shall be penalized in any way for availing himself/herself of the disciplinary appeal process.

3.14.18 ADMINISTRATIVE PROCEDURES

The City Manager may establish any necessary administrative procedures required to carry out the intent of this Rule and assure a uniform and well understood process.

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3.15.01 POLICY

This grievance procedure is intended to assure that every reasonable effort will be made to resolve problems as near as possible to the point of origin.

3.15.02 ELIGIBILITY TO FILE A GRIEVANCE

A permanent classified employee or the representative of his/her recognized employee organization may submit a dispute according to this procedure. A recognized employee organization may utilize this procedure in the event a dispute is not directly related to an individual employee and complies with all the provisions of this Rule.

3.15.03 DEFINITION

A grievance is defined as a dispute involving the interpretation, application or alleged violation of:

- (A) A current Memorandum of Understanding between the City and a recognized employee organization representing classified employees; or
- (B) The City Personnel Ordinances and Personnel Rules affecting classified employees where the provision in dispute is within the scope of representation.

No dispute shall be considered a grievance that does not conform to this definition, unless provided otherwise in a current applicable Memorandum of Understanding. Where the City Codes or Rules and Regulations provide another appeal process, an employee or recognized employee organization shall choose which process is to be used but shall not use both.

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3.15.04 GRIEVANCE PROCEDURE

Step 1. Informal Discussion. Within seven (7) calendar days of the occurrence of an act in dispute, an employee shall discuss it with his/her immediate supervisor, who shall investigate and attempt to resolve the matter. The supervisor shall give the employee an oral reply within seven (7) calendar days after the discussion. If the employee is not satisfied with the response, he/she may proceed to step 2.

Step 2. Division Head. Any dispute not resolved at Step 1, may be submitted to the division head in writing citing the specific provision of rule in dispute and stating the desired solution within seven (7) calendar days after the supervisor's response. A copy shall be provided to the immediate supervisor and the Personnel Officer. Within seven (7) calendar days thereafter, a meeting shall be scheduled with the employee by the division head who shall attempt to resolve the matter. The division head shall give the employee a written reply within seven (7) calendar days after such meeting and file a copy with the Personnel Officer. If the employee is not satisfied with the response, he/she may proceed to Step 3. Employees who are supervised directly by their department head shall by-pass Step 2 and proceed directly to Step 3.

Step 3. Department Head. Any dispute not resolved at Step 2, may be submitted in writing to the department head within seven (7) calendar days of the division head's response, with a copy to the immediate supervisor and the Personnel Officer. With seven (7) calendar days thereafter, a meeting shall be scheduled with the employee by the department head who shall attempt to resolve the matter. The department head shall give the employee a written reply within seven (7) calendar days after the meeting and file a copy with the Personnel Officer. If the employee is not satisfied with the response, he/she may proceed to Step 4.

Step 4. Final level of Review. Any dispute not resolved at Step 3, may be submitted in writing, with copies of Step 2 and Step 3 responses, within seven (7) calendar days after the department head's response, by mutual agreement to either the City manager, or advisory fact-finding.

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- (A) **Submittal to City Manager:** In the event that a dispute is referred to the City Manager, he/she shall schedule a meeting within seven (7) calendar days with the employee to discuss the matter. After consideration of the facts, the City Manager shall give his/her written decision to the employee within seven (7) calendar days after the meeting. The decision of the City Manager shall be final and binding.
- (B) **Submittal to Advisory Fact-Finding:** In the event that a dispute is referred to advisory fact-finding, the parties shall mutually agree upon an individual or a group, not to exceed three (3), to hear the facts of the case. If the parties cannot mutually agree as to the fact finder(s) within fourteen (14) calendar days after referral, the matter shall be referred to the California State Mediation and Conciliation Service for advisory fact-finding and any costs divided equally between the two parties. The advisory fact-finding body shall render its recommendations to both parties within thirty (30) calendar days after referral. Within seven (7) calendar days after receipt of the advisory recommendations, the City Manager shall consider them and give his/her written decision to the employee. The decision of the City Manager shall be final and binding.

3.15.05 SETTLEMENT OF GRIEVANCE

Any grievance shall be deemed settled which is not appealed to the next step within the specified time limit unless an extension of time to a definite date has been mutually agreed upon.

3.15.06 REPRESENTATION

An employee may have a representative of his/her choice present at all stages of the grievance procedure.

3.15.07 NO RETRIBUTION

An employee shall not be penalized in any way for availing himself/herself of this procedure.

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3.16.01 EMPLOYMENT CONTRACT

In accepting employment with the City, each employee agrees to comply with the City Ordinances and Resolutions, Personnel Policies and Procedures, Administrative Rules, Procedures and Policies established by the City Manager and rules regulations and directives of the department in which he/she is employed.

3.16.02 CIVIL DEFENSE

By State law, every employee holding an appointment in the City Service automatically becomes a civil defense worker in an emergency or disaster. Assignments for each department are stated in the City Emergency Preparedness Plan.

3.16.03 SAFETY PRACTICES

Each employee is expected to perform his/her assigned work in such a way as to prevent damage to property or injury to himself/herself or others and to report observed hazards to his/her supervisor.

3.16.04 CHANGES OF EMPLOYEE ADDRESS OR STATUS

It is the responsibility of an employee to keep his/her immediate supervisor and the Personnel Office informed of changes in address, telephone number, marital status, beneficiaries, military status, person to contact in case of emergency and his/her telephone number, and any other pertinent information. Notification must occur within fourteen (14) calendar days after the change.

3.16.05 RESIDENCE REQUIREMENTS

Reasonable requirements for residency may be established in departmental Rules and Regulations depending on the service needs of the department. Any changes in practice in effect upon adoption of these Rules will be made pursuant to Government Code Section 3500 et seq.

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3.16.06 GRATUITIES

An employee in the City Service shall not solicit nor accept any gift to the employee or other employees, whether in the form of money, thing, favor, loan, or promise that would not be offered or given if the employee were not in the employ of the City.

3.16.07 UNIFORMS

Employees required to wear uniforms while on duty shall adhere to departmental and City policy.

3.16.07 USE OF CITY IDENTIFICATION

In no event shall City uniform, badges, identification cards or official insignias be worn while engaged by any employer other than the City nor shall an employee permit the loan to or use by an unauthorized person of such items.

3.16.09 POLITICAL ACTIVITY

The political activities of City employees shall be in compliance with State and Federal law. In addition, City employees shall not be permitted to:

- (A) Participate in political activities during working hours; and
- (B) Participate in activities or solicit during working hours for any ballot measure affecting pay, hours, retirement, personnel system, or other working conditions.

An employee elected to the governing body or appointed to an official advisory body of the City shall be required to relinquish his/her appointment to the City Service.

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3.16.10 UNAUTHORIZED SOLICITING ON CITY PROPERTY

Employees shall not solicit for any purpose on City property whether during on-duty or off-duty hours without the written permission of the City Manager.

3.16.11 OTHER EMPLOYMENT

Employees may engage in other employment or enterprise provided that:

- (A) Such employment does not interfere with required duties or conflict with the City interests; and
- (B) Such employment is approved in writing by the department head and a copy filed with the Personnel Officer.

Approval may be denied or revoked for non-compliance with the provisions of (A) and (B). Approvals are subject to review by the City Manager.

3.16.12 EMPLOYMENT OF RELATIVES

Shall mean the following: related by blood, marriage, or adoption; spouse, child, parent, sister, brother, uncle, aunt, nephew, niece, grandparent, grandchild, and cousin.

3.16.13 EMPLOYEE USE OF CITY FACILITIES

If available, City facilities may be used by employees with the prior approval of the City Manager. Applicable facilities permit requirements shall not be waived although, depending on the nature of the use, the City Manager, in his/her discretion, may waive fees. Activities described in the Employer-Employee Organization Relations Policy are excluded from this section.