



CITY OF GREENFIELD

PERSONNEL RULES AND REGULATIONS (Adopted December 1993)

TABLE OF CONTENTS

CHAPTER I: ADMINISTRATION

Rule 1 – General Provisions

1.	Purpose.....	1
2.	Administration	1
3.	Employment Constitutes Acceptance.....	1
4.	Fair Employment.....	2
5.	Tenure of Employees	2
6.	Violation of Rules	2
7.	Departmental Rules and Regulations.....	2
8.	Nepotism.....	3
9.	Amendment and Revision of Rules.....	3
10.	Unclassified Service.....	3
11.	Classified Service.....	3

Rule 2 – Personnel Board

1.	Purpose.....	4
2.	Composition	4
3.	Functions.....	4
4.	Conduct of the Appeal	4
5.	Board Findings.....	5
6.	Meetings	5
7.	Public Hearing	5
8.	Administrative Law Judge	5

Rule 3 – Classification Plan

1.	Purpose of Classification Plan.....	6
2.	Administration of the Classification Plan	6
3.	Composition of Classification	6
4.	New Positions	6
5.	Use of Classes	6
6.	Class Specifications.....	7
7.	Reclassifications.....	7

Rule 4 – Applications & Employment

1.	Employment Policy.....	8
2.	Citizenship	8
3.	Resident Requirements.....	8
4.	Recruitment	9
5.	Application	9
6.	Disqualification	9
7.	Disaster Response	11

Rule 5 – Examinations

1.	Nature and Type of Examinations.....	12
2.	Examination Limitations	12
3.	Waiver of Tests.....	12
4.	Conduct of Examinations	13
5.	Qualifying Grade or Rating	13
6.	Notification of Examination Results and Review of Papers	13
7.	Continuous Examinations.....	13
8.	Promotional Examinations	14
9.	Right of Appeal.....	14

Rule 6 – Employment Lists

1.	Employment Lists	15
2.	Duration of Lists	15
3.	Employees Laid Off Given Preference.....	15
4.	Removal of Names From List	15
5.	Waivers	16
6.	Abolishing of List.....	16

Rule 7 – Method of Filing Vacancies

1.	Types of Appointment.....	17
2.	Notice of Personnel Officer.....	17
3.	Certification of Eligibles.....	17
4.	Appointment	18
5.	Provisional Appointment	18
6.	Temporary Appointments	19
7.	Permanent Part-Time	19
8.	Special Appointment	19
9.	Emergency Appointment	19

Rule 8 – Probationary Period

1.	Objective of the Probationary Period	20
2.	Probationary Period: Regular Appointment	20
3.	Notification and Retention of Probationer	20
4.	Rejection of Probationer	21
5.	Rejection Following Promotion.....	21
6.	Promotion During Probationary Period	21
7.	Reappointments	21

Rule 9 – Transfer, Promotion, Demotion, Suspension and
Reinstatement

1.	Transfer	22
2.	Promotion	22
3.	Demotion	23
4.	Suspension	23

5.	Reinstatement.....	23
6.	Administrative Leave	23
7.	Pre-disciplinary Review	23
Rule 10 – Separation from the Service		
1.	Type of Separation	24
Rule 11 – Disciplinary Proceedings		
1.	Disciplinary Action Definitions	27
2.	Causes for Disciplinary Action.....	27
3.	Persons by Whom Disciplinary Action May be Taken – Notice Requirement.....	29
4.	Notice of Intended Discipline	29
5.	Administrative Review	30
6.	Notice of Discipline.....	31
7.	Performance Standards and Disciplinary Guidelines	31
Attachment A		
	Conduct Unbecoming a City Employee	32
	Job Performance Below Standard	34
	Neglect of or Inexcusable Absence From Duty.	36
	Improper Behavior in Relations to the Public, Peers or Supervisors	37
	Unsafe Practices.....	39
	Theft, Fraud, Dishonesty or Falsification of Records	40
Rule 12 – Rules of Appeal to Personnel Board		
1.	Right to Appeal and Method for Appeal.....	42
2.	Procedure Appeal	42
3.	Appeal of Board’s Decision to City Council	44
4.	Procedures at Hearing by City Council	45
5.	Findings and Decision by the City Council	45
Rule 13 – Implementation of Discipline		
1.	Effect of Certain Disciplinary Actions.....	46
2.	Confidential Information	47
3.	Equipment and Documents.....	47
4.	Personnel Files.....	47
Rule 14 – Grievance Procedures		
1.	Purpose.....	48
2.	Matters Subject to Grievance Procedures.....	48
3.	Informal Grievance Procedures.....	49
4.	Formal Grievance Procedures	49
5.	Conduct of Grievance Procedure.....	50

6.	Non-Discrimination Protection Employee Grievances	50
Rule 15 – Employee Training and Development		
1.	Training Policy	51
2.	Program Administration	51
3.	Personnel Officer to Establish Regulations.....	51
4.	Eligibility for Educational Cost Reimbursement	52
5.	Limitations.....	52
6.	Budget	53
7.	Service Rating	53
8.	Disputed Service Ratings.....	53
Rule 16 – Injury and Illness Prevention Program		
1.	Responsibility for Administration.....	55
2.	Need for Compliance	55
3.	Communications	55
4.	Inspections	56
5.	Investigation of Injuries and Illnesses	56
6.	Correction of Unsafe Conditions	57
7.	Training and Instruction	57
8.	Records.....	58
Rule 17 – Miscellaneous		
1.	Outside Employment.....	59
2.	Conflict of Interest.....	59
3.	Records.....	59
4.	Administrative Personnel.....	60
5.	Conflicting Provisions	60
6.	Drug-Free Workplace	60
7.	Harassment Policy and Complaint Procedure..	60
	Attachment A – Drug Free Workplace Policy	
	Statement of Policy.....	61
	Objectives	61
	Procedures	61
	Controlled Substance and Alcohol Testing	
	Policy.....	62
	Purpose of Testing.....	62
	Substances to be Tested For.....	62
	Employee and Management Responsibilities...	62
	General Rules	63
	Job Applicant Testing – General Standard	64
	Notice of Testing Policy	64
	Consent	64
	Refusal to Consent	65

Testing Procedure.....	65
Consequences of a Confirmed Positive Test Result.....	69
Attachment A-1 – Institute of Forensic Sciences Toxicology Laboratory Controlled Substance Testing Procedures.....	70
Attachment B – Harassment Policy and Complaint Procedures	
Statement of Purpose	72
Definition	72
Responsibilities	74
Complaint Procedure.....	74

CHAPTER II – COMPENSATION AND BENEFITS

Rule 18 – Compensation and Hours

1. Employee Compensation Plan	76
2. Preparation	76
3. Adoption of Compensation Plan.....	76
4. Application and Use of Salary Ranges and Rates.....	77
5. Pay Advancement Within Assigned Salary Ranges	78
6. Salary Adjustments for Promotion, Demotion or Transfer	78
7. Pay for Temporary and Part-Time Work	79
8. Work Period	79
9. Attendance.....	80
10. Pay Period	80
11. Computation of Salary.....	80
12. Overtime Policy	81
13. Overtime Procedures	81
14. Overtime Compensation	81
15. Overtime Computation	82
16. Standby Compensation	82
17. Positions Exempt from Overtime.....	82
18. Overtime in Disaster Conditions.....	83
19. Deduction	83
20. Uniform Allowance	83
21. Travel Allowance	83
22. Termination Allowance	83
23. Additional Compensation-Police	84

Rule 19 – Sick Leave	
1. Statement of Policy.....	85
2. Eligibility.....	85
3. Affidavit and Physician’s Certification.....	86
4. Accrual	86
5. Deduction	86
6. Incentives.....	87
7. Worker’s Compensation.....	87
8. Family Leave	89

Rule 20 – Vacation Leave	
1. Vacation Policy.....	91
2. Vacation Accrual.....	91
3. Use of Vacation	92
4. Compensation in Lieu of Time Off Prohibited ..	92
5. Holiday Falling During Vacation	93
6. Vacation at Termination	93
7. Military Service – Vacation Pay-Off Exception .	93
8. Management Leave.....	93

Rule 21 – Holidays	
1. Statement of Policy.....	94
2. Holiday Pay for Public Safety Employees.....	95

Rule 22 – Leaves of Absence	
1. Leave of Absence Without Pay	95
2. Absence Without Leave.....	95
3. Leave of Absence for Death Outside the Immediate Family	96
4. Military Leave of Absence	96
5. Jury Duty	97
6. Volunteer Firefighter Leave.....	97
7. School Visits	97
8. Subpoenas	97
9. Worker’s Compensation Hearings	98
10. Maternity Leave.....	98

CHAPTER III – DEFINITIONS

Rule 23 – Definition of Terms	100
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PERSONNEL RULES AND REGULATIONS

CHAPTER I: ADMINISTRATION

RULE 1 GENERAL PROVISIONS

Section 1. Purpose

The purpose of these rules and regulations is to facilitate effective and economical services to the public and to provide for a fair and equitable system of personnel management in the municipal service. These rules set forth in detail those procedures which insure equal treatment for applicants and employees, and define the obligations, rights, privileges, benefits and prohibitions placed upon all employees in the municipal service, except as expressly provided by these rules. They are intended to indicate the customary and the most reasonable methods whereby the aims of the personnel program of the City of Greenfield can be carried out in all operating departments of the City under the direction of the City Manager.

Section 2. Administration

The City Manager shall administer these rules and regulations as Personnel Officer of the City.

Section 3. Employment Constitutes Acceptance

In accepting employment with the City of Greenfield, each employee agrees to be governed by and to comply with these personnel rules and regulations, administrative rules and procedures established by the City Manager pursuant hereto, and regulations and directives of the department in which employed. Prior to employment with the City, an appointee understands these rules and regulations. Except as expressly provided by these rules, all employees holding a position in the municipal service on the effective date of these rules and regulations shall hereafter be subject in all respects to the provisions herein.

Section 4. Fair Employment

No question in any test, or in any application form, shall be so framed as to attempt to elicit information concerning race, color, sex, age, ancestry, national origin, political, marital status, religious affiliation, medical condition, or a non-job-related disability, except where a bona fide occupational qualification so dictates, provided however, data shall be requested by the City on its application form or a supplemental form on the gender race and ethnicity of applicants for compliance with EEOC regulations, but shall not be used for any purpose other than required by such regulations. No appointment to or removal from a position in the service shall be affected or influenced in any manner by any consideration of race, color, sex, age, ancestry, national origin, political, marital status, religious affiliation, medical condition, or a non-job-related disability, except where a bona fide occupational qualification so dictates.

Section 5. Tenure of Employees

Tenure of permanent classified employees covered by these rules and regulations shall be subject to good behavior, satisfactory work, the availability of work, and the availability of funds.

Section 6. Violation of Rules

Violation of the provisions of these rules and regulations shall be grounds for rejection during the application, selection and probationary employment period and for disciplinary action including reprimands, suspension, salary reduction, demotion and discharge commencing with the date of appointment to the classified service.

Section 7. Departmental Rules and Regulations

These rules do not preclude individual City departments from developing and administering supplemental regulations which are compatible and in conformity with these rules or other Council resolutions and ordinances.

Section 8. Nepotism

The City may preclude an immediate family member from working directly and immediately subordinate to another family member where a potential conflict of interest has been identified.

Section 9. Amendment and Revision of Rules

Having been adopted by the City Council by resolution pursuant to Ordinance No. 212, these Personnel Rules and Regulations may be amended only by the adoption of a resolution of the City Council.

Amendments and revisions may be suggested to the City Council by any interested party and shall be submitted to the City Council through the Personnel Officer. Proposed amendments or revisions to these rules shall be publicly posted for a minimum of five (5) consecutive days prior to consideration; any interested party may appear and be heard. Amendments and revisions shall become effective upon adoption by the City Council.

Section 10. Unclassified Service

The Personnel Rules and Regulations, including those pertaining to rights of appeal and disciplinary actions, do not apply unless otherwise specifically set forth herein or as provided by state or federal law.

Section 11. Classified Service

All probationary, permanent and permanent part-time employees are members of the classified service. Excluded positions (unclassified positions) are identified in the Municipal Code, Section 2.23.060.

RULE 2 PERSONNEL BOARD

Section 1. Purpose

The Personnel Board has been created to insure equitable treatment for personnel in the City's employ and to facilitate the City's personnel process.

Section 2. Composition

The Personnel Board shall consist of five members who shall be appointed by the Mayor, with the advice and consent of the City Council, and who shall serve at the pleasure of the City Council. The chair of the Board shall be elected by a majority vote of the members for a term of one year and in no case shall serve for more than two consecutive terms. The chair of the Board shall be responsible for the conduct of any disciplinary action appeal.

Section 3. Functions

The following shall be considered as the primary function of the Board and is not intended to preclude the Board from assuming additional functions when specifically authorized by a resolution of the City Council:

A: To serve as a Board of Appeals for any disciplinary action imposed on an employee who is entitled to an administrative hearing pursuant to these rules.

Section 4. Conduct of the Appeal

When the Personnel Board meets to review a disciplinary action, the City shall appoint legal counsel to advise the Board on proper procedure and render such legal opinions as may from time to time be required during the proceedings.

The Chairman of the Board shall be responsible for the conduct of the hearing and for the compilation and documentation of a complete record of appeal.

Section 5. Board Findings

The Board upon completion of the hearing and in closed session shall deliberate and make findings of fact and shall issue its decision, with findings, and sustain, reject or modify the discipline imposed by the City Management.

The decision of the Personnel Board in the appeals process shall be subject to review by the City Council as set forth in these rules.

Section 6. Meetings

The Personnel Board will hold meetings at such time and place within the City as shall be designated by the chair of the Board. In addition, the Board may hold special meetings upon the request of the chair or a majority of the members of the Board. A majority of the members of the Board shall constitute a quorum for the transaction of business. Meetings shall be conducted in accordance with such rules and procedures as may be adopted by the Personnel Board subject to concurrence by counsel to the Board.

Section 7. Public Hearing

Meetings of the Personnel Board shall be open and public; provided that hearings relating to disciplinary actions shall be held in private unless the affected employee requests a public hearing. The Board may exclude from any such public or private appeal hearing, during the examination of witnesses, the public and any or all other witnesses in the matter being heard to protect compelling privacy interests of witnesses. The meeting need not be conducted according to technical rules relating to evidence and witnesses but shall conform to such procedural conditions as specified by counsel to the Board.

Section 8. Administrative Law Judge

In cases when an Administrative Law Judge has been designated to hear disciplinary appeals as provided in Rule 12, Section 1.b below, the City Manager will request the appointment of such an Administrative Law Judge from the Office of Administrative Hearing of the Department of General Services of the State of California.

RULE 3 CLASSIFICATION PLAN

Section 1. Purpose of Classification Plan

The purpose of the classification plan is to standardize titles, each of which is indicative of a definite range of duties and responsibilities and has the same meaning throughout the classified service.

Section 2. Administration of the Classification Plan

The Personnel Officer shall administer the classification plan with all amendments or revisions to the plan subject to approval of the City Council.

Section 3. Composition of Classification Plan

The classification plan shall consist of a grouping by classes of positions which are similar in difficulty and responsibility, which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions. Each such class shall have a specification which shall include a concise, descriptive title, a description of the duties and responsibilities of positions in the class, and a statement of the minimum qualifications for filling such positions.

Section 4. New Positions

When a new position is created, prior to filling that position, the Personnel Officer shall review the duties, responsibilities and authority to be assigned the position for purposes of class allocation. Except as otherwise provided by ordinance or these rules and regulations, no person shall be appointed or employed to fill any such position until the classification plan shall have been amended to provide therefore and an appropriate employment list established for such position.

Section 5. Use of Classes

Class titles are to be used in all personnel, accounting, budget appropriation and financial records. No person will be appointed to or employed in a classified position under a title not included in the classification plan.

Section 6. Class Specifications

Class specifications are to be interpreted in their entirety and in relation to others in the classification plan. Particular phases or examples are not a full definition of the class. Specifications are deemed to be descriptive and explanatory of the kind of work performed and not necessarily inclusive of all duties performed.

Section 7. Reclassifications

Positions, the duties of which have been changed materially so as to necessitate reclassification, shall not be allocated by the Personnel Officer to a more appropriate class, whether new or already created. Reclassification shall not be used for the purpose of avoiding restrictions concerning demotions and promotions. Reclassifications shall be subject to approval by the City Council.

RULE 4 APPLICATIONS AND EMPLOYMENT

Section 1. Employment Policy

The stated employment policy of the City of Greenfield is to hire, train, promote and retain the best qualified personnel available. The best qualified personnel shall mean those persons who can most effectively perform in the position. The applicants are to be evaluated only in terms of those factors which affect their ability to perform on the job. Employees are to be evaluated only in terms of their effectiveness in the position.

Section 2. Citizenship

Employment is open to qualified men and women who are citizens of the United States, or to qualified non-citizens who are residents of the State of California.

Section 3. Residency Requirements

Employment shall not necessarily be limited to residents of the City of Greenfield.

Any public works employee whose duties include responding to emergency calls essential to the preservation of the health and safety of the community will be required to establish and maintain continuous residence in a location which permits them to respond in a reasonable time to an emergency call. The requirement will be met so long as the employee lives within twelve (12) air-miles of the Greenfield Corporation Yard. Employees are required to be in compliance with this requirement on or before the completion of their probationary period.¹

¹ 1/1/2009 – Per Memorandum of Understanding with Service Employee's International Union

Section 4. Recruitment

Individuals shall be recruited from a geographic area as wide as is necessary to assure obtaining well-qualified candidates for the various types of positions. Such various media of publicity shall be used as might be expected to bring notice of vacancies to as many qualified persons as possible.

The announcements shall specify the title and pay of the class for which the vacancy is announced, the nature of the work to be performed, preparation desirable for the performance of the work of the class, the manner of making applications, and other pertinent information, including a statement that the City is an equal opportunity employer, and does not discriminate on the basis or race, color, sex, age, ancestry, political affiliation, marital status, religious affiliation, medical condition or non-job related disability except where a bona fide occupational qualification so dictates.

Section 5. Application

All candidates for employment shall file an application with the Personnel Officer. All applications must be signed by the applicant. Applications shall be made as prescribed on the examination announcement. Application forms shall require information covering training, experience and other pertinent information, and may include references and fingerprinting.

Section 6. Disqualification

The Personnel Officer may withdraw anyone from consideration whose appointment will be deemed contrary to the best interests of the City. Reasons for disqualification may include, but shall not be limited to, the following deficiencies:

- a. Application does not possess the minimum qualifications required for the examination or position.

- b. Physical or mental disabilities such as to render unfit to perform the duties of the position to which appointment is sought. Such disqualification may only occur after the candidate has been examined by a physician designated by the City. Said physician shall review the performance requirements of the position and render an opinion regarding the candidate's physical and mental ability to perform the essential duties of the position. Such examination shall be at City expense and shall be deferred until a contingent offer of employment is made. In no event shall a person who in the opinion of the designated physician is incapable of performing the essential duties of the position be appointed to such a position. The physician's evaluation must be based on the candidate's ability to perform the essential duties of the position subject to the City's obligation to make reasonable accommodation under the Americans with Disabilities Act. The City shall provide to the examining physician a statement of the essential functions. Following the preliminary medical evaluation, the City will provide to the physician a statement of the "accommodations" which they are reasonably able to make prior to the physician's preparation of a final medical report and recommendation in those cases where a potential for medical disqualification has been identified by the physician.
- c. Conviction of a felony or conviction of a misdemeanor involving moral turpitude, where such conviction is reasonable associated with the expectation that the duties of the position cannot be carried out with detriment to the service.
- d. Deception or fraud in making the application.
- e. Request by applicant that his or her name with withdrawn from consideration.
- f. Failure to reply within reasonable time to communication concerning availability for employment.

- g. Failure to accept appointment within two (2) days after notification or to report for duty within the time prescribed in the offer.
- h. Does not meet the requirement set forth in Section 2 of this Rule regarding citizens.
- i. Is disqualified by reason of the criteria set forth in Rule 1, Section 8, regarding nepotism.

All applicants shall be notified immediately.

Notice of such rejection with a statement of reason shall be mailed to the applicant by the Personnel Officer. Candidates disqualified for medical and/or psychological disabilities may appeal such disqualification to the City Manager, who shall arrange for a second medical evaluation and on the basis of the evaluation, sustain the appeal or disqualify the candidate. Defective applications may be returned to the applicant with notice to amend the same, providing the time limit for submitting applications has not expired.

Section 7. Disaster Response

All police officers must be available in disaster situations and shall respond to a disaster situation pursuant to the requirements of Government Code Section 3100.

RULE 5 EXAMINATIONS

Section 1. Nature and Type of Examinations

The examination techniques used in the selection process shall be impartial, of a practical nature, and shall relate to those subjects which, in the professional judgment of the Personnel Officer and when available data based on the results of a job analysis study, fairly measure the relative capacity of the persons examined to execute the duties and responsibilities of the position to which they seek to be appointed. To test fairly the qualifications of an applicant, the selection techniques may consist of examinations such as, but not necessarily limited to, achievement and aptitude tests, etc., written tests, personal interviews, performance tests, physical agility tests, evaluation of daily work performance, and work samples. Medical tests, polygraph and background examinations may be required at the discretion of the Personnel Officer.

Section 2. Examination Limitations

The use of polygraph examinations, background examinations including consumer credit reports, and medical evaluations and tests shall only be used in the manner and form prescribed by law.

Section 3. Waiver of Tests

The Personnel Officer may waive one or more of the tests in the selection process for applications whose qualifications fulfill the requirements for which the specific test or tests is to be given. The terms and conditions of such waiver shall be clearly stated on the job announcements and waived for all applicants meeting the specified terms and conditions. Waivers shall not be granted for background checks, medical and psychological examinations when required for safety officers pursuant to state law.

Section 4. Conduct of Examinations

The City Manager with the approval of the City Council may contract with any competent agency or contractor for the preparation of and/or administration of examinations. Such contracts may also include all other services associated with the recruitment and selection process with the exception of the delegation of the authority to appoint. In the absence of such contract, the Personnel Officer shall see that such duties are performed. The Personnel Officer may consult with appropriate department heads regarding the development of examinations.

Section 5. Qualifying Grade or Rating

In all examinations, the minimum grade standing for which eligibility may be earned shall be based upon all competitive factors of the examination. Failure to earn a qualifying score in one part of the examination may be grounds for declaring the applicant as failing in the entire examination, or as not qualified to compete in subsequent parts of the examination.

The Personnel Officer may, at his or her discretion, include as a part of the examination process tests which are qualifying only.

Section 6. Notification of Examination Results and Review of Papers

Within fifteen (15) calendar days of the date of the examination, each candidate shall be given written notice of the results thereof, and if successful, of the final score and/or rank on the employment list.

Section 7. Continuous Examinations

Open competitive examinations may be administered periodically for a single class as the needs of the service require. Names of qualified candidates shall be placed on employment lists and shall remain on such lists as prescribed in these rules.

Section 8. Promotional Examinations

Promotional examinations may be conducted whenever, in the opinion of the Personnel Officer, the needs of the service require it. Promotional examinations may include any of the selection techniques described in Section 1 of this Rule or any combination thereof. Only permanent or probationary employees meeting the requirements set forth in the promotional examination announcements may complete in promotional examinations.

Section 9. Right of Appeal

Any applicant or candidate who believes that he or she has been discriminated against because of any non-merit factor in any portion of the examination process may appeal such to the City Manager. Based upon the appeal submitted, the City Manager may appropriately adjust the status of such applicant or candidate where said adjustment affects the relative status of any other applicant or candidate and such adjustment shall be reported to the City Council. In lieu of making an adjustment pursuant to this section, the City Manager may invalidate the testing process and require the examination process to be repealed.

RULE 6 EMPLOYMENT LISTS

Section 1. Employment Lists

As soon as possible after the completion of an examination, the Personnel Officer shall prepare and keep available an employment list consisting of the names of candidates who qualified in the examination.

Section 2. Duration of Lists

Employment lists, including those resulting from a continuous examination, shall remain in effect for six months.

Names placed on open competitive lists created as a result of continuous examinations shall be merged with any others already on the list in order of final scores and shall remain on the list for not more than six months.

Section 3. Employees Laid Off Given Preference

The names of probationary and permanent employees who have been laid off shall be placed on appropriate re-employment lists in order of total continuous cumulative time served in probationary and permanent status. Re-employment shall be by seniority in the department and the classification. Such names shall remain thereon for a period of one year, unless such persons are sooner re-employed.

When a re-employment list is to be used to fill vacancies, the Personnel Officer shall certify from the top of such list the number of names equal to the number of vacancies to be filled.

Section 4. Removal of Names From List

The name of any person appearing on an employment, re-employment or promotional list shall be removed by the Personnel Officer if the eligible requests in writing that their name be removed, if they fail to respond to a notice of certification mailed to their last known address, or when the list time expires as specified in these Rules.

The names of persons on promotional employment lists who resign from the service shall automatically be dropped from such lists.

Section 5. Waivers

Eligibles may waive their right to certification or appointment once without suffering any loss of status on the eligible list by so doing. However, when a candidate does not respond to a second certification or offer of a position, his or her name shall automatically be dropped from such list.

Section 6. Abolishing of List

The City Manager may abolish an eligible list or re-employment list for any reason of unsuitability of examination. The reason for abolishing a list shall be specifically set forth in a memorandum to the City Council.

RULE 7 METHOD OF FILLING VACANCIES

Section 1. Types of Appointment

All vacancies in the classified service shall be filled by transfer, demotion, re-employment, reinstatement, or from eligibles certified by the Personnel Officer from an appropriate employment list, if available. In the absence of a candidate eligible for appointment in these ways, provisional appointments may be made in accordance with these rules and regulations. (See Rule 9 for application of the reinstatement provision.)

Section 2. Notice to Personnel Officer

When a vacancy in the classified service is to be filled, the department head shall notify the Personnel Officer in the manner prescribed. If there is no re-employment list available for the class, the Personnel Officer shall determine whether the vacancy is to be filled by reinstatement, transfer, demotion, appointment from a promotional list, or appointment from an open employment list.

Section 3. Certification of Eligibles

If the Personnel Officer does not consider it in the City's best interest to fill the vacancy by reinstatement, transfer, or demotion, or if it is not possible to fill the vacancy by re-employment, certification shall be made from an appropriate employment list, provided eligibles are available. When a vacancy is to be filled by appointment from a promotional employment list or from an open employment list, the Personnel Officer shall certify all eligibles in the highest rank in which eligibles are available. Rank orders are as follows: 95% to 100% (first rank), 90% to 94.9% (second rank), 85% to 89.9% (third rank), 80% to 84.9% (fourth rank), 75% to 79.9% (fifth rank) and 70% to 74.9% (sixth rank).

Candidates' names shall be placed on the eligible list in the rank where their percentage score from the examination falls. Whenever there are less than five names, plus the number of vacancies to be filled in the rank to be certified, the department head may request the next rank to be certified.

Whenever there are more than five names, plus the number of vacancies to be filled in the rank or ranks to be certified, the department head may request a list certified down to the highest percentage score within the rank which will provide no less than five names, plus the number of vacancies to be filled. Whenever there are fewer than five names of individuals willing to accept appointment or a promotional employment list or on an open employment list, the City Manager may make an appointment from among such eligibles or may direct the Personnel Officer to establish a new list. When so directed, the Personnel Officer shall hold a new examination and establish a new employment list. A department head may select from a valid certification list for a period of six months after which a new examination will be conducted.

Section 4. Appointment

The department head shall recommend to the Personnel Officer, subject to final approval by the Personnel Officer, the appointment of an eligible candidate from among those certified. The person accepting appointment shall present himself or herself to the Personnel Officer, or a designated representative, for processing on or before the date of appointment. If the candidate accepts the appointment and presents himself or herself for duty, the candidate shall be deemed to be appointed. Failure to comply in this regard shall be considered as having declined the appointment. The appointment may be any of the eligible candidates who have been certified by the Personnel Officer.

Section 5. Provisional Appointment

In the absence of five names of individuals willing to accept appointment from an eligible list and if the City Manager elects not to make a permanent probationary appointment as Authorized in Section 3 above, the City Manager may make a provisional appointment. A person may be provisionally appointed who meets the minimum training and experience qualifications for the position. An employment list shall be established within six months for any permanent position filled by provisional appointment. The City Manager may extend the period of any provisional appointment for not more than thirty (30) days by one action, not to exceed an aggregate of twelve months.

Section 6. Temporary Appointments

The City Manager, with the concurrence of the City Council, may appoint employees to a temporary position for no longer than twelve months. As its discretion, the City Council may adjust the employee's compensation for such appointments.

Section 7. Permanent Part-Time

The City Manager may appoint a person from an employment list to fill a permanent part-time position. Permanent part-time positions are subject to the standard probationary period and are eligible for benefits proportional to the time worked in relation to the time worked in the same classification by a full-time position.

Section 8. Special Appointment

The City Manager may appoint a person from an employment list to fill a permanent part-time position. The duration of such appointment shall be for such time as specified at the time of appointment and may be extended from time to time but in no event shall exceed the period for which grant funds have been provided.

Section 9. Emergency Appointment

The City Manager may make appointments of persons to fill unauthorized positions when an emergency situation requires immediate action to preserve the public health or welfare. Such appointments shall be converted to Temporary Appointments upon action by the City Council to authorize such positions. Emergency appointments may not exceed 45 days and shall be subject to the limitations set forth above for Temporary Appointments.

RULE 8 PROBATIONARY PERIOD

Section 1. Objective of the Probationary Period

The probationary period shall be regarded as part of the examination process. It shall be utilized for closely observing the employee's work and for securing the most effective adjustment of a new employee to the new position.

Section 2. Probationary Period: Regular Appointment

All original and promotional appointments to the classified service positions shall be subject to a probationary period of six (6) months for all non-safety employees.

All safety employees shall be subject to an eighteen (18) months probationary period.

The probationary period may be extended to all safety officers. The Chief of Police may recommend to the City Manager that a probationary safety employee be retained as a permanent employee prior to the completion of any probationary period.

The City Council may, by resolution, establish a different probationary period for specified classes either directly or by approval of an employment contract.

Section 3. Notification and Retention of Probationer

The Personnel Officer shall notify the department head of any probationer one month in advance of the completion of any probationary period. The department head shall recommend in writing to the Personnel Officer whether the probationer shall be retained, not later than two weeks before the end of the probationary period. In any event, the City Manager shall make the final determination whether or not to retain the probationer.

Section 4. Rejection of Probationer

During the probationary period, an employee may be suspended, demoted or terminated at any time by the department head with the approval of the City Manager without cause and without the right of appeal or to submit a grievance. Notification of rejection in writing shall be served on a probationer and a copy filed with the Personnel Officer.

Any probationary employee who is terminated for cause during the probationary period upon charges of serious conduct is entitled to pre-termination administrative review of the termination. The City Manager shall conduct the review and it shall take the form as set forth in Rule 11, Section 5, Administrative Review.

Section 5. Rejection Following Promotion

An employee rejected during the probationary period following a promotional appointment shall be reinstated to the position from which that employee was promoted, unless that employee is discharged from the classified service in the manner provided in these rules and regulations.

Section 6. Promotion During Probationary Period

An employee promoted to a position with a greater maximum rate of pay than that of the employee's original appointment shall be deemed a new probationary employee and will commence the probationary period on the effective date of said promotional appointment.

Section 7. Reappointments

Reappointments after termination will be considered as new employment, except for reappointment from a re-employment list where the reappointed employee had previously completed the probationary period in the position from which they were laid off.

RULE 9
TRANSFER, PROMOTION, DEMOTION, SUSPENSION
AND REINSTATEMENT

Section 1. Transfer

No person shall be transferred to a position for which such person does not possess the minimum qualifications. Upon approval of the Personnel Officer, an employee may be transferred at any time from one position to another position in a comparable class. For transfer purposes, a comparable class is one with the same maximum salary, involves the performance of similar duties and requires substantially the same basic qualifications.

If the transfer involves a change from one department to another, both department heads must consent thereto unless the City Manager orders the transfer for purposes of economy, efficiency or accommodation. Transfer shall not be used to effectuate a promotion, demotion, advancement or reduction each of which may be accomplished only as provided in these Rules.

Section 2. Promotion

It is recognized that promotions made from within the classified service enhance morale and improve career opportunities from existing city employees. To that end, vacancies in the classified service will generally be filled by promotion from within the classified service, after a promotional examination has been given and a promotional list established.

If, in the opinion of the Personnel Officer, a position could be better filled by an open competitive examination, that Officer shall arrange for an open competitive examination and for the preparation and certification of an open competitive employment list.

Section 3. Demotion

The Personnel Officer, with the approval of the City Manager, may demote any employee for disciplinary purposes or deficiencies in the performance of his or her required duties. Upon request of the employees, and with the consent of the Personnel Officer, demotion may be made to a vacant position. No employee shall be demoted to a position for which he or she does not possess minimum qualifications.

Section 4. Suspension

A department head, with the approval of the City Manager, may impose a disciplinary suspension not to exceed sixty (60) calendar days following the completion of the pre-disciplinary review process established in these rules.

Section 5. Reinstatement

Upon approval of the City Manager, a permanent or probationary employee who has resigned with a good record may be reinstated within one (1) year of the effective date of resignation. Such reinstatement shall be to a vacant position in the same or comparable class. Upon reinstatement, the employee, for all intents and purposes, shall be considered as having received an original appointment.

Section 6. Administrative Leave

Upon approval of the City Manager, any permanent or probationary employee may be placed on administrative leave pending some additional action or decision. Such administrative leave shall be non-punitive, with full pay and benefits, and shall not be recorded in the employee's personnel file.

Section 7. Pre-disciplinary Review

No personnel transaction of a punitive nature other than reprimands shall be imposed prior to an administrative review of the proposed disciplinary action by the City Manager or his designee in accordance with these rules or other appropriate directions (See Rule 11, Section 5).

RULE 10 SEPARATION FROM THE SERVICE

Section 1. Type of Separation

The separation of an employee from a position shall be designated as one of the following types and shall be accomplished in the manner indicated:

- a. **Resignation.** An employee may resign by submitting in writing the effective date thereof to the appropriate department head. Such resignation shall be effective upon receipt of the written resignation by the City Manager or, in the case of an oral resignation, upon written confirmation of acceptance of such resignation by the City Manager. Voluntary resignations should be submitted as far in advance of the effective date as possible, but in no case is less than two (2) weeks deemed acceptable. Failure to comply with this requirement may be cause for denying any future employment with the City.

- b. **Layoff.** The City Manager may lay off an employee of the City due to material change in organization or duties, shortage of work or financial restraints. A minimum of (30) calendar days before the effective date of layoff, the appointing authority shall notify the Personnel Officer of the intended action with the reasons for layoff. A copy of such notice shall be given to the affected employee. Employees laid off in good standing shall have seniority privileges on the re-employment list. Those employees in the same classification in good standing shall be laid off in order of seniority from least to most. In those cases where two employees have equal seniority, a decision shall be made by the department head and the Personnel Officer, based on training and service of the employee.

- c. **Disability.** An employee will be separated from disability when that employee cannot, with or without accommodation, perform the essential functions of the position because of a physical and/or mental impairment. Action may be initiated by the employee, his legal representative, or the City, but in all cases it

must be supported by medical evidence acceptable to the Personnel Officer. The City shall require an examination at its expense to be performed by a physician of its choice.

No person shall be separated for disability until a determination has been made that it is impractical to make reasonable accommodation in the duties of the position to permit the position incumbent to continue in such position.

- d. Death. All compensation due an employee shall become effective as of the official date of death. All compensation due in accordance with these rules shall be paid to the estate of the employee except for such sums as by law must be paid to the surviving spouse or other next of kin or other person with legal claim to such payment.
- e. Retirement. When an employee meets the conditions set forth in the retirement plan regulations, that employee may elect to retire and receive all benefits under the retirement plan.
- f. Discharge. Classified Employees. Any employee in the City service may be discharged at any time by the appointing authority. If the probationary period of the employee has been completed, such discharge must be accompanied by a written statement of the reasons for said discharge and a statement setting forth the employee's rights for an administrative hearing if so requested. The administrative hearing shall be conducted in accordance with these rules and regulations. Such discharge shall occur only after the pre-disciplinary review set forth in Rule 11, Section 5 has been complied with.
- g. Discharge. Unclassified Employees. Unclassified employees may be discharged without cause and with only such rights as required by state or federal law.

- h. Discharge. Failure to Report for Work. An employee who absents themselves from work without leave shall be sent a notice by certified mail return receipt requested, to the employee's last known address, directing them to report for work at a specified time and date. Such notice shall include a statement that it is the City's intent to terminate the employee should they fail to appear. If the employee fails to appear they shall be sent a follow-up notice in the manner and form prescribed above advising them that they have been terminated and the effective date of their determination.

RULE 11 DISCIPLINARY PROCEEDINGS

Section 1. Disciplinary Action – Definitions

- a. As used in this Rule, “disciplinary action” shall mean discharge, demotion, reduction in salary for disciplinary reasons, oral or written reprimand, disciplinary probation and/or suspension without pay.
- b. The procedures set forth in this Rule shall apply only to permanent regular classified employees, and shall not apply to probationary employees who are rejected from probation pursuant to Rule 10 of these Rules, or to any employee employed on a temporary basis, or to any employee otherwise exempted from the provisions of this Rule.
- c. The procedures set forth in this Rule shall not apply to any reduction in force (layoff), or to any reduction in pay which is part of a general reclassification or general salary adjustment.
- d. Nothing in this rule precludes an employee from entering into a written agreement with the City to settle or resolve a pending disciplinary matter under any terms that are mutually agreeable to the employee and the City, provided that only the Appointing Authority has the authority on the behalf of the City to enter into such agreements.
- e. Nothing in this Rule shall be interpreted to preclude the City from placing an employee on administrative leave with pay pending investigation of any disciplinary matter, nor shall such leave constitute “disciplinary action” within the meaning of this Rule.

Section 2. Causes for Disciplinary Action

Causes for disciplinary action against any employee include, but are not limited to:

- a. Fraud, dishonesty, theft or falsification of records.

- b. Incompetence, unsatisfactory performance, or neglect of duty.
- c. Insubordination, disobedience, failure to cooperate with supervisors or fellow employees
- d. Consumption of or being under the influence of alcoholic beverages or controlled substances while on duty, or unlawful sale or possession of controlled substances on or off duty.
- e. Commission or conviction of a felony, or of a misdemeanor involving moral turpitude.
- f. Absence without leave, abuse of leave, excessive absenteeism, or tardiness.
- g. Discourteous or unprofessional treatment of the public or other City staff.
- h. Unlawful political activity.
- i. Violation of the City of Greenfield rules and regulations, departmental rules and regulations, standard operating procedures or other departmental directives, applicable memorandum of understanding, or State or Federal law.
- j. Misuse of City property or funds, or of the employees employment status or office.
- k. Refusal to take or subscribe to any oath or affirmation which is required by law in connection with employment.
- l. Failure to maintain required license or certification, or to meet required minimum qualifications for employment.
- m. Any other act or omission, either during or outside of duty hours, which is detrimental to the public service or brings discredit to the City.

Section 3. Persons by Whom Disciplinary Action May be Taken – Notice Requirements

- a. The City Manager, or any department head, or any supervisor may take the following disciplinary actions against an employee under his/her supervision by notifying the employee in the manner provided.
 - 1) Oral reprimand – verbal notification.
 - 2) Written reprimand – written notification of the reprimand by personal service or by mail.

There is no right to appeal either oral or written reprimands.

- b. The City Manager, or any department head with the consent of the City Manager, may suspend an employee without pay for up to sixty (60 days) or place them on disciplinary probation for a determined period. No such discipline will be imposed without providing the employee with a “Notice of Intended Discipline” as provided herein below.
- c. The City Manager may demote, or discharge, or reduce the pay of an employee for disciplinary reasons. No demotion, discharge or reduction of pay for disciplinary reasons will be imposed without providing the employee with a “Notice of Intended Discipline” as provided herein below.

Section 4. Notice of Intended Discipline

- a. The Notice of Intended Discipline must be in writing and should contained:
 - 1) A statement of the nature of the intended disciplinary action.
 - 2) A statement of the cause(s) upon which the action is based, together with a concise statement of the facts establishing cause for the discipline.
 - 3) The effective date of the intended discipline.

- 4) A statement advising the employee of the right to an Administrative Review of the intended discipline.
 - 5) Either a copy of the materials upon which the discipline is based, or a notification of the employee's right to review the materials on work time upon request.
- b. The employee should be served in person or by mail.

Section 5. Administrative Review

- a. An employee who has been notified of the City's intend to suspend without pay, demote, discharge or reduce pay for disciplinary reasons has a right to respond to the charges in an Administrative Review of the intended discipline by the Appointing Authority or his/her designee.
- b. The employee may elect to respond to the charges in writing, or orally, or both, within the time lines set forth in the Nature of Intended Discipline, which period will not be less than five (5) calendar days.
- c. The period for Administrative Review, and/or effective date of discipline, may be extended in writing at the sole discretion of the Appointing Authority or his/her designee.
- d. The employee has the right to be represented by counsel or other representative of the employee's choosing during the Administrative Review.
- e. The Administrative Review will take place prior to the effective date of the discipline unless unusual circumstances justify an effective date which makes prior review unfeasible, in which case the Review will take place within a reasonable period of time after the effective date.

Section 6. Notice of Discipline

- a. At the conclusion of the Administrative Review, the Appointing Authority will notify the employee of any decision to impose discipline. The Notice of Discipline must be in writing and should include:
 - 1) A statement of the nature of the disciplinary action to be imposed.
 - 2) A statement of the cause(s) upon which the action is based, together with a concise statement of the facts establishing cause for the discipline.
 - 3) A statement advising the employee of the right to appeal the decision of the Appointing Authority.
- b. The Notice of Discipline should be delivered to the employee by the personal service or mail.

Section 7. Performance Standards and Disciplinary Guidelines

- a. Public employees are trustees of the public interest and owe the public a special duty of integrity. For this reason, they are held to a higher standard of honesty, trust and service than employees in the private sector. For this reason, the City has prepared Performance Standards and Disciplinary Guidelines, shown as Attachment A to Rule 11. These guidelines are just that, guidelines or suggestions to assist the City when determining potential discipline. The guidelines are not mandates which the City must follow when determining the level of discipline. The City may exceed the discipline suggested by these guidelines when circumstances warrant. The policy, entitled, "Performance Standards and Disciplinary Guidelines," is incorporated by reference as Attachment A to Rule 11.

**ATTACHMENT A
PERFORMANCE STANDARDS AND DISCIPLINE**

STANDARD

Employees shall perform their duties in a manner which will earn and preserve the trust and respect of the public, their peers and supervisors.

CONDUCT UNBECOMING A CITY EMPLOYEE

<u>Infraction</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
1. Engaging in any employment activity/enterprise which constitutes a conflict of interest	Written reprimand to suspension	Suspension to dismissal	Suspension to dismissal
2. Disclosing confidential information	Suspension to dismissal	Suspension to dismissal	Suspension to dismissal
3. Using City time/property without authorization	Written reprimand to dismissal	Suspension to dismissal	Suspension to dismissal
4. Malicious destruction of City property or equipment	Suspension to dismissal	Dismissal	
5. Misconduct seriously impairing the reputation of the City or its employees so as to interfere with the mission of the City or its departments	Suspension to dismissal	Suspension to dismissal	Suspension to dismissal

<u>Infraction</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
6. Commission of an act or acts, which if proved, would constitute a felony/misdemeanor as established by proper investigation providing such act/acts are reasonably related to the performance of duties and/or conditions of employment or such act/acts would involve a crime of moral turpitude.	Suspension to dismissal	Suspension to dismissal	Suspension to dismissal
7. Conviction of any, a felony or conviction of a misdemeanor involving moral turpitude	Suspension to dismissal	Suspension to dismissal	Suspension to dismissal
8. Unlawful political activity while on duty	Suspension to dismissal	Suspension to dismissal	Suspension to dismissal

STANDARD

Employees shall provide a high quality service to the public and shall consistently perform their duties effectively and efficiently.

JOB PERFORMANCE BELOW STANDARD

<u>Infraction</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
1. A violation of City/Department rules standard operating procedure, memorandum of understanding, or state or federal law	Oral reprimand to suspension	Suspension to dismissal	Suspension to dismissal
2. Requiring excessive supervision or instruction in performance of duties after completion of training for the position	Oral or written reprimand	Written reprimand to suspension	Suspension to dismissal
3. Misusing/failing to use delegated authority in the performance of duties	Oral reprimand to suspension	Suspension	Suspension to dismissal
4. Personal appearance not appropriate for the job in terms of department standards and/or job safety	Oral or written reprimand	Written reprimand to suspension	Suspension to dismissal
5. Failure to carry out assigned work or supervisor/responsibilities satisfactorily, directly or promptly	Oral reprimand to dismissal	Suspension to dismissal	Suspension to dismissal
6. Failure to maintain required license or certification or to meet required minimum qualification	Oral reprimand to dismissal	Suspension to dismissal	Suspension to dismissal

Infraction

1st Offense

2nd Offense

3rd Offense

7. Refusal to take or subscribe to any oath or affirmation required by law for employment

Oral reprimand to dismissal

Suspension to dismissal

Suspension to dismissal

STANDARD

Employees must perform all duties reasonably required of them, and report for work as scheduled, unless ill, injured or involving an emergency.

NEGLECT OF, OR INEXCUSABLE ABSENCE FROM DUTY

<u>Infraction</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
1. Neglect of Duty	Oral reprimand	Suspension to dismissal	Suspension to dismissal
2. Unexcused, excessive or patterned absenteeism	Written reprimand to suspension	Suspension to dismissal	Suspension to dismissal
3. Failure to make reasonable effort to notify supervisor of inability to report to work	Oral or written reprimand	Written reprimand to suspension	Suspension to dismissal
4. Leaving assigned work location without proper approval or appropriate reason	Written reprimand to dismissal	Suspension to dismissal	Suspension to dismissal
5. Frequent and/or unexcused tardiness	Oral or written reprimand	Written reprimand to suspension	Suspension to dismissal
6. Unauthorized sleeping on the job	Written reprimand to dismissal	Suspension to dismissal	Suspension to dismissal

STANDARD

Employees shall work cooperatively with other employees and the public.

IMPROPER BEHAVIOR IN RELATIONS TO THE PUBLIC, PEERS, OR SUPERVISORS

<u>Infraction</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
1. Flagrant refusal to perform reasonable work assignments or to cooperate with supervisors or managers in the performance of duties (insubordination)	Suspension	Suspension to dismissal	Dismissal
2. Failure to cooperate with or using abusive or discourteous language toward other employees, or the public	Oral or written reprimand	Written reprimand to suspension	Suspension to dismissal
3. Complaining or arguing about the work or other with other employees	Oral or written reprimand	Written reprimand to suspension	Suspension to dismissal
4. Using threats or attempting to harm another employee of the public	Suspension to dismissal	Dismissal	
5. Making false, vicious, or malicious statements about any employee or member of the City government	Oral reprimand to suspension	Suspension	Dismissal
6. Unauthorized possession of dangerous weapons on City property	Oral reprimand to suspension	Suspension to dismissal	Dismissal

<u>Infraction</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
7. Unauthorized use of any weapon or tool which could result or does result in harm to another employee or the public	Suspension to dismissal	Suspension to dismissal	
8. Actions on the job intended to destroy property or to inflict bodily injury (whether or not such damage or injury occurs)	Written reprimand to dismissal	Suspension to dismissal	Dismissal
9. Making derogatory remarks in violation or any harassment policy in the presence of the public or other employees	Written reprimand to suspension	Suspension	Dismissal

STANDARD

Employees shall perform their duties in a safe manner. This standard is not restricted just to operating equipment or operating motor vehicles.

UNSAFE PRACTICES

<u>Infraction</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
1. Operating City equipment or vehicles unsafely or carelessly	Oral or written reprimand	Written reprimand to suspension	Suspension to dismissal
2. Causing or contributing to an accident by operating City equipment or vehicles in an unsafe manner	Written reprimand to suspension	Suspension	Suspension to dismissal
3. Violating safety rules or practices which endanger the employee or others or damage city property, equipment or vehicles	Oral or written reprimand to suspension	Suspension	Dismissal
4. Playing tricks or jokes, or engaging in horse play on the job which may lead to physical or emotional injury to employees or others, or damage to equipment, vehicles or property	Oral or written reprimand to suspension	Suspension	Suspension to dismissal
5. Unlawful sale or possession of controlled substances while on duty	Oral or written reprimand to suspension	Suspension	Suspension to dismissal
6. Consumption of or being under the influence of alcohol or unauthorized controlled substances while on duty	Oral or written reprimand to suspension	Suspension	Suspension to dismissal

STANDARD

City employees shall be characterized by high personal integrity both in securing employment and in the performance of their duties.

THEFT, FRAUD, DISHONESTY OR FALSIFICATION OF RECORDS

<u>Infraction</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
1. Using official position or office for personal gain or advantage	Written reprimand to dismissal	Suspension to dismissal	Dismissal
2. Soliciting, accepting or offering a bribe	Dismissal		
3. Theft of or aiding or encouraging the theft of cash, city property or equipment	Dismissal		
4. Misuse of city property or funds	Written reprimand to dismissal	Suspension to	Dismissal
5. Intentionally falsifying or destroying, without proper authorization, city or department records	Dismissal		
6. Intentionally falsifying an application for employment or medical information related thereto	Dismissal		
7. Deliberately withholding information related to work from supervisors or others who have a legitimate right to that information	Written reprimand to suspension	Suspension	Dismissal

<u>Infraction</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
8. Falsifying time reports, mileage reports, expense accounts, or similar work oriented documents	Suspension to dismissal	Dismissal	
9. Falsely claiming sick or other allowed pay or time off in violation of the City's policies	Suspension to dismissal	Dismissal	
10. Accepting a gratuity whether or not some extraordinary service is performed on behalf of the given	Written reprimand to dismissal	Suspension to dismissal	Dismissal

RULE 12
RULES OF APPEAL TO PERSONNEL BOARD

Section 1. Right to Appeal and Method for Appeal

- a. A permanent classified employee shall have the right to appeal any suspension of five (5) or fewer working days. The Appeal will be heard before a Hearing Officer designated by the City Manager and may consist of either the Personnel Board or an arbitrator, or of any other person(s) designated by the City Manager to hear the matter.
- b. A permanent classified employee shall have the right to appeal any suspension of more than five (5) working days, a demotion, a discharge or reduction in salary for disciplinary purposes, to the Personnel Board. A permanent classified employee who has been discharged has the option to elect a hearing before an Administrative Law Judge in lieu of a hearing before the Personnel Board.
- c. The appeal must be in writing, subscribed by the appellant or his/her representative, and filed with the Appointing Authority within ten (10) calendar days of the issuance of the Notice of Discipline. The appeal must state the grounds for the appeal and the remedy sought by the appellant.
- d. Failure to file an appeal as provided herein will constitute a waiver of the employee's right to appeal.

Section 2. Procedure for Appeal

- a. Upon receipt of a written appeal, the Appointing Authority will schedule a hearing on the matter. Reasonable attempts will be made to schedule the hearing to commence within sixty (60) days of receipt of the appeal. The employee will be notified in writing of the time, date and place of the hearing not less than ten (10) days prior to the commencement of the hearing.

- b. Until the commencement of the hearing, any time lines contained in this procedure may be extended by the Appointing Authority for good cause. Once the hearing has commenced, it may be continued from time to time at the discretion of the hearing body.
- c. Any hearing held before the Personnel Board or Administrative Law Judge will be closed to the public unless the employee requests in writing that it be open to the public. Deliberations of the Personnel Board will be closed. Prior to commencement of any hearing, the Personnel Board will select from among its members a Chairperson who will have the authority to conduct the proceedings and make an evidentiary rulings.
- d. The hearing will be conducted in accordance with the following procedures:
 - 1) Oral evidence shall be taken only on oath or affirmation.
 - 2) Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination, to impeach any witness regardless of which party first called him/her to testify, and to rebut evidence.
 - 3) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil action.

The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.

- 4) The appellant shall appear at the hearing in person, and has the right to be represented by legal counsel or other representative of his/her choosing. Failure of the appellant to attend shall be deemed a withdrawal of the appeal, and the discipline will become final.
 - 5) The City will be required to present its case first, and has the burden of proof by a preponderance of the evidence to establish the propriety of the discipline.
 - 6) The hearing will be recorded either by a stenographic reporter or by audio and/or video tape recording.
- e. Within twenty (20) calendar days after the conclusion of the hearing and any deliberations thereon, the hearing body shall make written findings on the evidence presented at the hearing and render a decision. The decision shall either sustain, reject or modify the disciplinary action. The written findings and decision must be served on the Appointing Authority and on the appellant by either personal or mail service.

Section 3. Appeal of Board's Decision to City Council

The decision of the Personnel Board or other hearing body may be appealed to the City Council except for suspensions of five days or less. The decision in such cases by the Personnel Board or other hearing body shall be final. On all other appeals, or disciplinary actions imposed, whether sustained, modified or reversed the appeal to the City Council may be initiated by the employee or by the City Manager on behalf of the City.

The cost of preparing a transcript of the Board proceedings shall be borne by the party filing an appeal if a transcript has not been prepared previously for the Board.

Appeals pursuant to this section shall be in writing, addressed to the City Council, and filed with the City Clerk within ten (10) calendar days following the filing of the Board's decision. Appeals to the City Council shall be on the basis of the record of the proceedings before the Personnel Board and oral arguments shall be permitted and presented by the parties at the City Council hearing. At its next regular meeting, the City Council shall set the date, time and location for hearing said appeal, which shall be within thirty (30) calendar days following the date of filing of the appeal to the City Council. Written notice of the date, time and place of the hearing shall be given to the employee at least ten (10) calendar days in advance of the hearing date.

Section 4. Procedures at Hearing by City Council

The employee shall appear at the hearing in person and shall have the right to be represented by counsel. The City shall be represented at the hearing by such person or persons as may be designated by the City Manager. The hearing shall be closed to the public, unless the employee requests an open hearing. Arguments shall be presented first by the appealing party followed by arguments by the responding party. The hearing may be continued from time to time by the City Council.

Section 5. Findings and Decision by the City Council

Within thirty (30) calendar days after the conclusion of the hearing, the City Council shall make written findings on the basis of the record of the proceedings held before the Personnel Board and the matters considered by the City Council in connection with the appeal, and shall render its decision to sustain, modify, or reverse the disciplinary action. The findings and decision shall be filed with the City Clerk and served upon the employee personally or, if the employee is represented by counsel, upon such counsel by mail. The decision of the City Council on said appeal and on disciplinary action imposed, as sustained or modified, shall be final and binding on the employee and the City and, in the event of a reversal or modification of the discipline imposed, shall take effect upon the expiration of five (5) working days after the date of filing of the decision with the City Clerk.

RULE 13 IMPLEMENTATION OF DISCIPLINE

Section 1. Effect of Certain Disciplinary Actions

Whenever disciplinary actions as listed below, with the exception of an oral reprimand, are imposed on an employee the employee shall initial or otherwise acknowledge in writing that they have been notified of the disciplinary action or intended disciplinary action. In the event an employee refuses to make such an acknowledgement this shall be noted in writing and dated and signed by the party taking such action and shall accompany the disciplinary documentation.

- a. Oral Reprimand. An employee receiving an oral reprimand shall have it noted in the employee's departmental record by the department head.
- b. Written Reprimand. An employee receiving a written reprimand shall have a copy of the reprimand filed in the employee's permanent record for future reference. Each employee's permanent record is in his personnel jacket in the office of the Personnel Officer.
- c. Salary Reduction. An employee having had a salary reduction of one or more pay steps shall continue to be compensated at that rate until the normal time period for that pay step has expired. Increase on said date shall be subject to the rule governing pay increases.
- d. Suspension. An employee suspended from the municipal service shall forfeit all rights, privileges, and salary while on such suspension with the exception of group health and life insurance benefits.
- e. Discharge. An employee terminated for disciplinary reasons shall be paid salary accumulated to the effective date of termination only and shall not be due any additional compensation, provided, however, any vested and accrued benefit shall be payable.

Section 2. Confidential Information

In the interest of preventing undue embarrassment and subsequent loss of ability to perform City work effectively, the following policy will prevail regarding the release of information to the news media on personnel actions:

- a. No information will be released without prior approval of the City Manager.

Section 3. Equipment and Documents

Any employee discharged or suspended shall return all City equipment including, but not limited to, identification, uniforms, badges, patches, firearms and training materials to the issuing officer.

Section 4. Personnel Files

Any employee shall be notified of any prejudicial material entered into the employee's personnel file and shall be permitted to have rebuttal material entered into their file or any other file maintained by any supervisory department head or the City Manager. The employee shall be permitted thirty (30) calendar days in which to have the rebuttal material entered into the file. Derogatory information placed in the personnel file of a peace officer must comply with Government Code Section 3305.

RULE 14 GRIEVANCE PROCEDURES

Section 1. Purpose

The purposes of the grievance procedures are set forth as follows:

- a. To promote improved employer-employee relations by establishing grievance procedures on matters for which appeal or hearing is not provided by the regulations.
- b. To afford employees, individually or through qualified employee organizations, a systematic means of obtaining further considerations of problems after every other reasonable effort has failed to resolve them through discussions.
- c. To provide that grievances shall be settled as nearly as possible to the point of origin.
- d. To provide that grievances shall be heard and settled as informally as possible.

Section 2. Matters Subject to Grievance Procedures

Any employee shall have the right to grieve an alleged violation, misinterpretation or inequitable application of the personnel rules, a memorandum of understanding, under which their classification is represented, or any other written policy, ordinance or directive affecting employee relations. Matters not subject to grievance include those for which an alternative procedure, such as disciplinary action, have been defined in these rules, or matters subject to adjudication by any other governmental agency having primary jurisdiction, such as the Worker's Compensation Appeal Board or the content of an evaluation.

Section 3. Informal Grievance Procedures

The employee should first attempt to resolve a grievance or complaint through discussion with his immediate supervisor without undue delay. If after such discussion the employee does not believe the problem has been satisfactorily resolved, the employee shall have the right to discuss it with the supervisor's immediate supervisor, if any. Every effort should be made to find an acceptable solution by informal means at the most immediate level of supervision.

If the employee is not in agreement with the decision reached through such discussion, the employee shall then have the right to file a formal grievance in writing within ten (10) calendar days after receiving the informal decision of the superior or superiors. An informal grievance shall not be taken above the department head level.

Section 4. Formal Grievance Procedures

Formal grievance procedures, after exhaustion of the informal grievance procedures, shall proceed as follows:

- a. Contents of Grievances. The grievance shall be in writing and state with specificity the nature of the alleged violation, misinterpretation or inequitable application of the personnel rules or other grievable policies as listed in Section 2 above. In addition, the grievance shall specify the page, paragraph and/or rule and section of the policy or any other written policy, ordinance or directive affecting employee relations on which the grievance is based. The grievance shall specify the relief sought and shall be signed and dated by the employee.
- b. Department Review. A grievance shall be presented in writing to the employee's department head who shall discuss the grievance with the employee, the employee's representative, if any, and with other appropriate persons. The department head shall render his decision with comments in writing and return them to the employee within ten (10) calendar days after receiving the grievance.

If the employee does not agree with the decision reached, or if no answer has been received within ten (10) calendar days, the employee may present the grievance in writing to the City Manager.

Failure of the employee to take further action within ten (10) calendar days after receipt of the decision of the department, or within a total of twenty-five (25) calendar days if no decision is rendered, will constitute a withdrawal of the grievance.

- c. City Manager Review. Upon receiving the grievance, the City Manager or designee shall discuss the grievance with the employee, the employee's representative, if any, and with all other appropriate persons. The City Manager may designate a fact-finding committee or an officer not in the normal line of supervision to advise him concerning the grievance. The City Manager shall render a decision in writing to the employee within thirty (30) calendar days after receiving the grievance. The decision of the City Manager will be final except where the grievance alleges a violation or misinterpretation of the City's personnel rules or a memorandum of understanding. In the latter case, the matter shall be appealable to the City Council, utilizing the same procedures as set forth in Rule 11, Sections three through five.

Section 5. Conduct of Grievance Procedure

The time limit specified above may be extended to a definite date by written notification to the employee by the reviewer concerned. The employee may request the assistance of another person of the employee's choosing in preparing and presenting the grievance at any level of review. The employee and the employee's representative, if any, may be privileged to use a reasonable amount of work time as determined by the appropriate department head in conferring about and presenting the appeal.

Section 6. Non-Discrimination Protection – Employee Grievances

Employees shall be assured of freedom from reprisal for using the grievance procedure.

RULE 15

EMPLOYEE TRAINING AND DEVELOPMENT

Section 1. Training Policy

It is the policy of the City of Greenfield to foster and promote in-service training and other job related educational activities of employees for the purpose of improving the quality of personnel services rendered to the City and to assist employees to equip themselves for advancement in the service. The development of a continuous program of post-entry training as a part of the normal operation of City administration shall be encouraged. All other things being equal, priority consideration shall be given to training opportunities sponsored by and conducted within or through the City.

Section 2. Program Administration

The Personnel Officer shall supervise and control all training programs and is responsible for such programs, subject to review by the City Council. Training programs shall be designed to provide for improved public service, dollar savings, the development and retention of skilled and efficient City employees, reasonable uniform administration of training, and fair and equitable treatment of City employees with respect to availability of and compensation for training and continued education.

This section shall not preclude supplemental training programs as may be deemed necessary by the department heads to insure the efficient, safe, and economical operation of their respective departments.

Section 3. Personnel Officer to Establish Regulations

The Personnel Officer shall prescribe regulations which shall provide for the maintenance of information concerning training activities in each department and such other information as may be necessary to enable the City Council, City Manager and the Personnel Officer to effectively discharge their respective duties and responsibilities for supervision, control, and review of training and continued education. Such regulations shall become effective upon approval of the City Council.

The Personnel Officer shall inform employees that successful completion of approved training programs shall be considered in making advancement and promotions.

From time to time, and in accordance with these rules, the Personnel Officer may revise, supplement, or prescribe additional regulations to implement the policies herein, provided such revisions, supplements and additional regulations are approved by the City Council.

Section 4. Eligibility for Educational Cost Reimbursement

To qualify for educational reimbursement, the employee must be a regular employee and the course selected must be of such a nature that it benefits the City and better prepares the employee to carry out the duties of the employee's position. Employees seeking college degrees will be eligible for reimbursement only for those courses that are directly related to their current duties.

Each employee desiring to qualify must attend the course on the employee's own time, complete the course satisfactorily with a passing grade of "C" or its numerical equivalent or better, and must have exhausted educational benefits available under State and Federal Law.

Prior to the employee's enrollment, the appropriate department head and the Personnel Officer shall mutually agree that the requested course is directly related to the employee's present duties and that the immediate benefit to the City is sufficient to warrant the expenditure of City monies.

Upon completion of the course for which the employee receives City reimbursement, all text books and materials will become the property of the respective department and be a part of each department's library.

Section 5. Limitations

Reimbursement to employees for tuition, costs, or other expenses incurred in undertaking approved training and continuing education programs shall be subject to current budget or other fiscal restraints.

The Personnel Officer is authorized to prescribe other limitations in accordance with these rules with respect to the time which may be spent by an employee in training.

Section 6. Budget

After adoption of this rule, each annual budget may contain provisions prepared by the Personnel Officer with each department head for a training program. Such program shall conform to the regulations prescribed in these rules. The City Council shall review the training program as part of the annual budget process. As part of said review, the City Council shall find and determine the training needs and appropriate sufficient funds, when available, to meet said needs in the subsequent fiscal year.

Section 7. Service Ratings

The Personnel Officer in cooperation with department heads shall establish a system of service ratings based on standards of performance. The standards shall have reference to the quality and quantity of work done and the manner in which the service is rendered. The service ratings shall be developed in such a manner that they can be used as a fair and impartial guide in determining lay-offs and promotions, and evaluation of employee training and development.

Service ratings are intended to assist the employee in personal improvement of specific job related duties. Service ratings shall be given at least annually and shown to each employee but shall be confidential between the department head, Personnel Officer and employee. All service ratings shall be reviewed with employees and shall be signed by the employee indicating that the employee has seen it and received a copy.

Section 8. Disputed Service Ratings

An employee who disagrees with the supervisor's service rating may request a review of such rating by the department head. The department head shall make such investigation as deemed appropriate and may cause the rating to be modified or sustain the rating as prepared.

An employee who disagrees with the department head's determination may appeal the rating to the City Manager or such other person designated by the City Manager. The City Manager or designee shall make such investigation as deemed appropriate and may cause the rating to be modified or sustain the rating as it was submitted.

The decision of the City Manager or designee shall be final, and the rating shall be placed in the employee's personnel file. Notwithstanding the above, the employee shall be entitled to have pertinent rebuttal material associated with the rating included in the employee's personnel file.

RULE 16

INJURY AND ILLNESS PREVENTION PROGRAM

Employee safety is of paramount importance to the City of Greenfield. In keeping with its commitment to safety in the workplace, the City has established this Injury and Illness Prevention Program (IIPP)

Section 1. Responsibility for Administration

The individual with principal authority and responsibility for implementing and administering the City's IIPP is the City Manager. This person is referred to as the "IIPP Administrator" in this IIPP statement.

Section 2. Need for Compliance

All employees are required to comply with the City's safety and health policies and practices. This includes employees at every level and in all positions within the City. Performance evaluations take into consideration all aspects of an employee's performance, including the employee's compliance with the City's safety standards. Consequently, strict adherence to the City's safety standards and legal obligations concerning safety will be viewed positively in an evaluation. In the same manner, employees who fail to promote the interests of safety and health in the workplace may be viewed negatively in an evaluation. In addition, violations of safety standards or conduct that shows either a disregard for safety concerns or negligent or reckless conduct may result in disciplinary action.

Section 3. Communications

Employees will be informed of matters relating to occupational safety and health from time to time. Communications of this nature may be contained in posted notices, memos, personnel policy statements, employee newsletters, or safety guidelines. Important safety issues may also be raised at employee meetings and training programs.

Employees are, in turn, encouraged to direct any questions they have regarding safety issues or the IIPP to the IIPP Administrator.

It is also the responsibility of each employee to inform his or her supervisor or the IIPP Administrator immediately of any hazard or unsafe condition in the work site. This can occur without fear of reprisal in any form. Employees can also notify the IIPP Administrator of any such hazards anonymously, if they prefer to do so. This can be done either by calling the IIPP Administrator at City Hall and indicating that the employee does not wish to identify himself or herself, or by writing to the City of Greenfield, IIPP Administrator at P.O. Box 127, Greenfield, California 93927.

Section 4. Inspections

The City has adopted procedures that are designed to assist it to identify and evaluate workplace hazards, including unsafe conditions and work practices. These procedures include periodic inspections. Inspections may be scheduled at various times. In addition to the inspections that were conducted when our IIPP was established in 1991, inspections shall occur:

- a. when new substances, processes, procedures or equipment that represent a new occupational safety and health hazard are introduced to the workplace, and
- b. when the City becomes aware of a new or previously unrecognized hazard.

Section 5. Investigation of Injuries and Illnesses

The City will investigate occupational injuries and illnesses when and in the manner that it determines appropriate. This may involve a physical inspection of the location where an injury occurred, the circumstances that led to the injury or illness, and whether specific procedures, practices or preventative measures could have helped reduce or eliminate the danger or prevent the injury or illness. Such investigations may be conducted by the IIPP Administrator or a person designated by the Administrator for that purpose.

Section 6. Correction of Unsafe Conditions

Where it is determined that an unsafe or unhealthy condition, work practice or work procedure exists, the City will take steps that it determines are appropriate under the circumstances to correct the condition, practice or procedure in a timely manner. The severity of a hazard will be considered along with other relevant factors when evaluating the most appropriate method of correcting any hazardous situation and the time frame within which the correction will be made. If an imminent hazard exists that cannot be abated immediately without endangering one or more employees or property, The City may find it appropriate to remove all exposed personnel from the area in which the hazard exists, unless they are necessary to correct the existing condition. Where employees are found necessary to correct the hazardous condition, they will be provided necessary safeguards.

Section 7. Training and Instruction

The City will also provide training and instruction to employees under the IIPP from time to time. Such training and instruction will be provided:

- a. when the program is first established;
- b. as part of the orientation provided to new employees;
- c. to employees provided new job assignments for which training has not previously been received;
- d. when new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard;
- e. when the City becomes aware of a new hazard or one that was previously unrecognized; and
- f. to supervisors who must be familiar with the safety and health hazards to which employees under their immediate direction and control may be exposed.

Supervisory employees shall conduct "toolbox" or tailgate safety meetings or the equivalent with their crews at least every ten (10) working days to emphasize safety.

The supervisor shall note the date and subject matter in a log or by such other means as may be prescribed by the department head or City Manager.

Section 8. Records

The City will retain records of inspections and training conducted under the IIPP for the period required by law.

The objectives of the IIPP can only be fully accomplished with the cooperation of all employees. We again wish to stress the importance of safety to the City and all of its employees and urge every employee to cooperate in our goal of achieving "safety first." If you have any questions regarding the IIPP or your responsibilities with respect to workplace safety, please direct them to the IIPP Administrator.

RULE 17 MISCELLANEOUS

Section 1. Outside Employment

Any regular employee desiring to engage in outside employment shall first obtain a non-city conflict job approval from the department head. The employee shall submit a statement to the department head naming the prospective employer, the address and telephone number, and outline the proposed duties and the hours of work. The department head shall consult with the City Attorney and approval may be denied if, in the judgment of the department head and City Attorney, such outside employment is incompatible with the proper discharge of the employee's official duties. All such approvals shall be subject to review prior to January 10th of each year to maintain a valid, continuous authorization.

Authorizations for outside employment, whether approved or disapproved, and the supporting documentation shall be kept confidential and not disclosed except at the request of the employee or a court order. Such application and supporting documentation may only be used to determine the potential for a conflict of interest. Its use for any other purpose, such as employee evaluations or in relation to proposed disciplinary action is strictly prohibited.

Section 2. Conflicts of Interest

No employee shall engage in any business transaction or shall have a financial interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest or would tend to impair independence of judgment or reaction in the performance of official duties.

Section 3. Records

The Personnel Officer shall maintain a personnel record for each individual employed by the City. This record shall be maintained at least five (5) years after the individual terminates service with the City. Such personnel records shall be considered confidential and only available to those parties which possess the proper authority for access.

The Personnel Officer is authorized to release records requested by subpoena from a court or agency of appropriate jurisdiction.

Section 4. Administrative Personnel

Nothing in these rules and regulations shall be construed to prevent the City Manager from making special provisions for unclassified administrative personnel by written contract upon approval of the City Council.

Section 5. Conflicting Provisions

Should any of the provisions of these rules and regulations conflict with any Federal or State law or City Ordinance, only those specific provisions which are in conflict shall be deemed invalid.

Section 6. Drug-Free Workplace

Pursuant to the Federal Drug-Free Workplace Action of 1990, the City of Greenfield has adopted a policy setting forth the terms and conditions to establish and maintain a drug-free workplace. The policy, entitled "City of Greenfield Drug-Free Workplace" is incorporated by reference as Attachment A to Rule 17, Section 6.

Section 7. Harassment Policy and Complaint Procedure

It is the City's policy to provide a workplace free of unlawful and improper harassment. Harassment of an applicant or employee on any basis including, but not limited to, harassment on the basis of race, religion, color national origin, ancestry, physical or mental disability, medical condition, marital status, sex, sexual orientation or age shall not be tolerated. The policy entitled "Harassment Policy and Complaint Procedure," is incorporated by reference as Attachment B to Rule 17, Section 7.

ATTACHMENT A

DRUG FREE WORKPLACE POLICY

Statement of Policy

To comply with Public Law 100-690-, Subtitle D – Drug Free Workplace Act of 1988. The Act, enacted by the Federal Government, requires all federal government grant recipients to take specific steps to ensure a drug free workplace. The policy is applicable to all City employees, regardless of their employment status (i.e. temporary, permanent, etc.)

Objectives

- A. To eliminate the use of drugs and other controlled substances which could impair an employee's ability to safely and effectively perform the function of his/her job. The use of such controlled substances also threatens the safety of coworkers.
- B. To encourage employees who have a substance abuse problem to seek assistance.
- C. To emphasize that employees who demonstrate job performance problems as a result of use of drugs or other controlled substances shall be subject to appropriate disciplinary action

Procedures

Employees are expected and required to report to work in appropriate mental and physical condition. It is the City's intent and obligation to provide a drug free, healthful and safe work environment.

The unlawful manufacture, distribution, dispensation, possession or use of drugs or other controlled substances on City premises or while conducting City business off premises is absolutely prohibited.

The City recognizes chemical dependency as a major social problem that interferes with the productive lives of employees and which increases employment costs due to increased absenteeism, the efficiency, liability and loss of morale. The City also recognizes substance abuse as a potential health, safety and security problem. Employees needing help in dealing with such problems are encouraged to seek counseling.

Employees must, as a condition of employment, abide by the terms of this policy and report any conviction under a criminal drug statute for violations occurring on or off City premises while conducting City business. A report of conviction must be made with five (5) days after the conviction.

Controlled Substance and Alcohol Testing Policy

A. Purpose of Testing

The City of Greenfield has a paramount interest, legal responsibility and management obligation to ensure the safety of the public it serves and to provide a safe working environment for its employees. It is imperative that while on duty employees remain free of unauthorized controlled substances and alcohol in order to perform their job functions safely. This policy shall be administered when the City Manager, or her/his designee, has individual reasonable suspicion that the job related capability of an employee is impaired by use of a controlled substance or alcohol.

In order to fulfill the purposes set forth above, the City will apply fair and appropriate progressive discipline with respect to work related substance abuse. Such discipline shall include suspension, demotion and where warranted, termination without progression through other steps of the progressive discipline policy.

B. Substances to be Tested For

When controlled substance and alcohol screening is required under the provision of this policy, either blood or urine testing will be given to detect the presence of the controlled substances listed, in the quantities specified, in Attachment "A".

C. Employee and Management Responsibilities

I. Employee Responsibilities

- a. Report to work able to perform his/her duties for the entire work period;
- b. Report to work and remain alcohol free and drug-free while on duty, except as to medically authorized prescription drugs.

- c. Notify his/her supervisor when taking any kind of prescription or potentially disabling medication;
- d. Abide by State laws regarding controlled substance use.

2. Supervisor and Management Responsibilities

- a. It shall be management's responsibility to provide training to managers and supervisors to provide them with appropriate skills to recognize an employee's use of a controlled substance.
- b. Recommend that an employee submit to testing when there is reasonable suspicion that the employee is under the influence of a controlled substance. "Reasonable suspicion" shall be defined for the purposes of this policy as a belief, based on objective, observed facts, sufficient to lend a reasonably prudent supervisor or the City Manager to suspect that an employee is under the influence of any controlled substance or alcohol. The City Manager or his/her designee shall be responsible for taking all final action on recommendations for testing.
- c. Applying fair and appropriate discipline as situations warrant.
- d. Referring employee for counseling or other assistance when available and where appropriate.

D. General Rules

- 1. City employees shall not use any controlled substance on the job or in such a way that affects job performance, unless prescribed by a person licensed to prescribe medicine. An employee who is required to take prescription medicine which may affect or impair his/her ability to safely perform his/her job shall notify his/her immediate supervisors of such condition.

2. Supervisors who have reasonable suspicion to believe that an employee is under the influence of a controlled substance or alcohol shall immediately report the facts and circumstances to their supervisor or City Manager or his/her designee. Such facts and circumstances shall be reduced to writing as soon thereafter as possible.
3. An employee will be placed on administrative leave with pay pending the return of controlled substance or alcohol testing results of a submitted specimen.
4. Controlled substance or alcohol testing results may be used for the purposes of determining whether discipline shall be imposed and shall otherwise remain confidential.
5. Failure to comply with this policy will be used as grounds for disciplinary action, up to and including termination.

E. Job Applicant Testing – General Standard

All applicants will be required to undergo controlled substance and alcohol testing upon an offer of employment and prior to final appointment at the time of physical examination. All job applicants shall receive notice of testing for controlled substances and alcohol prior to the physical examination.

F. Notice of Testing Policy

The City shall provide all employees and job applicants with notice of the City's "Controlled Substance and Alcohol Testing Policy," and make copies of the same available for review of all employees and applicants.

G. Consent

Before a controlled substance or alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting release of test results to appropriate supervisors and the City Manager. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the City's drug testing policy and to indicate current or recent use of prescription or over the counter medication.

The consent form shall also set forth the following information:

1. the procedure for confirming an initial positive test result;
2. the consequences of a confirmed positive test result;
3. the right to explain a confirmed positive test result; and
4. the consequences of refusing to undergo a controlled substance and alcohol test.

H. Refusal to Consent

1. Applicant

A job applicant who refuses to consent to a controlled substance and alcohol test will not be considered for employment by the City of Greenfield.

2. Employees

An employee who refuses to consent to a controlled substance and alcohol test is subject to disciplinary action up to and including termination. The City may consider the reasons for refusing to submit to testing in determining the appropriate disciplinary action.

I. Testing Procedure

1. Authorization

In the event that the City Manager, or his/her designee, and an employee's Supervisor believes there is a reasonable suspicion that an employee's ability to perform his/her duties and responsibilities is impaired by a controlled substance and/or alcohol, the City Manager, or his/her designee will order the employee to submit to a blood analysis or urinalysis, or other recognized screening method to determine the presence of such substances.

Prior to being tested, the employee will be given a "Chain of Custody Protocol" document. A document is attached hereto as Attachment "A-1", and made a part hereof, as an example of the appropriate protocol.

The City Manager, or his/her designee, shall be responsible for notifying the designated vendor that there is a blood draw or urine specimen that needs to be collected immediately.

This policy allows testing for any of the controlled substances or alcohol set forth on Attachment A which could impair an employee's ability to effectively and safely perform the functions of his/her job.

2. Policy Conditions

The testing will be conducted under the following conditions:

- a. Management may choose blood or urine to be primary choice for testing upon the substance to be tested for. Two separate specimens will be collected in all cases. Other testing procedures or mediums, mutually agreeable to employer and employee, may be utilized.
- b. In the event City chooses to use an intoxilyzer as the means of determining the blood alcohol level of an employee, City shall allow at least fifteen (15) minutes between the time a decision is made to test the employee and the time the intoxilyzer is utilized.
- c. All costs of the blood draw, blood analysis or other testing procedure shall be paid by the City.
- d. The blood draw, blood analysis and/or urinalysis shall be performed by a reputable laboratory.
- e. Strict chain of custody protocol will be followed.
- f. If the first test screening result is "positive," a second test will be performed with the same specimen to confirm the positive test. Upon confirmation of a positive test result, the employee or applicant shall be notified of the results in writing by the City Manager. The letter of notification shall identify the particular substance found and its concentration level.

- g. An employee or applicant whose second test confirm the original positive result may, at the employee or applicant's own expense, request that testing be conducted on the second specimen at a laboratory agreed upon by both the City and the employee. For convenience, a list of acceptable laboratories may be prepared by the City and interested employee groups.

In the event of significant disparity in the test results of the two laboratories, no disciplinary action shall be taken against the employee.

- h. Positive confirmed results shall be used for purposes of determining whether discipline shall be imposed and shall otherwise remain confidential

3, Chain of Custody Protocol

Strict chain of custody protocol will be followed. After the "Chain of Custody/Requisition" document is completed, two blood or urine specimens will be collected.

The basic protocol is as follows:

- a. Specimen collection: The blood specimen will be drawn by a licensed vendor. Urine samples will be collected in the presence of an appropriate management or supervisor/employee, or laboratory personnel, trained in the proper collection procedures and protocols. All specimens shall be collected in a location that shall, where at all possible, ensure the privacy of the employee being tested. To ensure the integrity of the specimens, they will immediately be sealed and labeled in the employee's presence.
- b. Courier: The specimen shall be sent by courier to the designated laboratory on the day the specimen is collected or the next normal business day.

- c. Laboratory: One specimen will be tested for controlled substances and/or alcohol. The other specimen will remain in the custody of the laboratory until further notice and direction from the City.

4. Laboratory Requirements

The laboratory to be used shall be license by the State of California's Department of Health Services, in accordance with Title 17 of the California Administrative Code, to perform forensic testing procedures and shall remain a strict chain of custody. City retains the right to contract with the vendors and/or laboratory of its choice.

- a. One specimen shall be divided into at least two parts, so that confirmation testing may be carried out in the event of a positive result. All testing will be based upon the cut-off concentration set forth in Attachment A.
- b. All specimens screened and re-screened "Positive" according to the prescribed U.S. Department of Health and Human Services guidelines to implement Executive Order 12564, must be retained, for identification purposes, at the laboratory for a period of one year.

5. Laboratory Reports and/or Screening Results

Laboratory reports and screening results will be confidentially sent within seven (7) working days of receiving the blood and urine specimens to the City Manager for review. The City Manager may inform the City Attorney and Supervisor/Department Head, or their designee, of negative and positive results, on a strictly need-to-know basis, and shall provide the same to the tested employee.

Laboratory reports and screening results shall not appear in an employee's personnel file. Information of this nature shall be contained in a separate confidential employee medical file that will be kept securely under the control of the City Manager.

Disclosures, without employee consent, may occur when:

- a. The information is compelled by law or by judicial or administrative process;
- b. The information has been placed at issue in a formal dispute between the City and employee;
- c. The information is needed by medical personnel for the diagnosis or treatment of the employee who is unable to authorize disclosure.

J. Consequences of a Confirmed Positive Test Result

1. Applicants

Job applicants will be denied employment with the City if a positive test result has been confirmed. Applicants shall be informed in writing if they are rejected on the basis of a confirmed positive drug test result.

2. Employees

If an employee's positive test result has been confirmed, the employee is subject to disciplinary action in accordance with the City's disciplinary procedures, up to and including termination. Factors to be considered in determining the appropriate disciplinary response include the employee's work performance, history, length of employment, current job performance, nature of work responsibilities, City policies on alcohol in the work-place, and the existence of past disciplinary actions. In the absence of improper employee conduct, or reasonable suspicion that the employee is under the influence of alcohol or controlled substance. No disciplinary action may be taken against employees who voluntarily identify themselves as having controlled substances and/or alcohol abuse problems, obtain appropriate counseling and rehabilitation assistance, and thereafter refrain from violating the City's policy on controlled substances and/or alcohol abuse.

Attachment A-1

INSTITUTE OF FORENSIC SCIENCES TOXICOLOGY LABORATORY CONTROLLED SUBSTANCE TESTING PROCEDURES

How are controlled substances detected? All urine and blood specimens will be screened by radioimmunoassay (RIA) and then layer chromatography (TLC).

How are positive controlled substance screen tests confirmed? All positive RIA controlled substance screen tests will be confirmed by gas chromatography/mass spectrometry (GC/MS). All positive TLC controlled substance screen tests will be confirmed by either gas chromatography (GC) or high performance liquid chromatography (HPLC).

Controlled Substance Classes and Drug Screen Cut-Off Concentrations

Controlled Substance Class

1. Cannabinoids: This class includes 11 -nor-delta-9-THC-carboxylic acid, the primary metabolite of tetahydrocannabinol (THC).

Cut-Off Concentration: Blood N/A; Urine: 50 ng/mL

Confirmed Cut-Off Concentration: Blood N/A; Urine: 15 ng/mL

2. Cocaine: This class includes benzolyecgonine, the major metabolite of cocaine.

Cut-Off Concentration: Blood: 25 ng/mL; Urine 150 ng/mL

Confirmed Cut-Off Concentration: Blood 15 ng/mL; Urine 150 ng/mL

3. Methamphetamine/Amphetamine: This class includes methamphetamines and amphetamines.

Cut-Off Concentration: Blood 25 ng/mL; Urine ng/mL

Confirmed Cut-Off Concentration: Blood 20 ng/mL; Urine 300 ng/mL

4. Opiates: This class includes morphine and codeine.

Cut-Off Concentration: Blood 50 ng/mL; Urine 300 ng/mL

Confirmed Cut-Off Concentration: Blood 10 ng/mL; Urine 300 ng/mL

5. Phencyclidine: This class includes phencyclidine.

Cut-Off Concentration: Blood 5 ng/mL; Urine 25 ng/mL

Confirmed Cut-Off Concentration: Blood 5 ng/mL; Urine 25 ng/mL

6. Alcohol

Public safety officers and employees whose duties require the operation of heavy machinery (Class A & B and heavy equipment) – 0.04 percent, or more by weight, of alcohol in any individual's blood.

All other employees: 0.08 percent, or more by weight, of alcohol in an individual's blood.

ATTACHMENT B

HARASSMENT POLICY AND COMPLAINT PROCEDURES

Statement of Purpose

The purpose of this policy is to establish a strong commitment to prohibit harassment in employment; to define harassment; to inform all employees, officers and officials of the City of Greenfield that harassment is illegal; to ensure that unprofessional behavior that creates a hostile work environment shall not be tolerated; and to set forth a procedure for investigating and resolving internal complaints of harassment.

Any retaliation against a person for filing a harassment charge or making a harassment complaint is prohibited.

Definition

A. "Harassment" includes, but is not limited to:

1. Verbal Harassment – For example, epithets, derogatory comments or slurs on the basis of race, religion, color, national origin, ancestry, physical or mental disability medical condition, marital status, sex, sexual orientation or age. This might include inappropriate sex-oriented comments on appearance, including dress or physical features or race-oriented stories.
2. Physical Harassment – For example, assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at the individual on the basis of race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, sexual orientation or age. This would be in the form of pinching, grabbing, patting, propositioning, leering or making explicit or implied job threats or promises in return for submission to physical acts.
3. Visual Forms of Harassment – For example, derogatory posters, notices, bulletins, cartoons, or drawings of race, religion, color, national origin, ancestry, disability, medical condition, marital status, sex, sexual orientation or age.

4. Sexual Favors – Unwelcome sexual advance, request for sexual favors, and other verbal or physical conduct of a sexual nature which is conditioned upon an employment benefit, unreasonably interferes with an individual's work performance or creates an offensive work environment.

Harassment on the basis of race, religion, color, national origin, disability, medical condition, marital status, sex, sexual orientation or age is a violation of Title VII of the Civil Rights Act of 1964, the California Government Code and Regulatory Guidelines of the Equal Employment Opportunity Commission and the California Fair Employment and Housing Commission

B. "Sexual Harassment" is defined by the Federal Equal Opportunity Commission Guidelines as:

"Unwelcome sexual advances, requests for sexual favors and other verbal and/or physical conduct of a sexual nature constitute harassment when;

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
3. Such conduct has the purpose or effect of unreasonable interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment."

Sexual harassment includes continual or repeated abuse of a sexual nature including, but not limited to:

1. Graphic commentaries on the victim's body;
2. Sexually suggestive objects or pictures in the workplace;
3. Sexually degrading words used to describe the victim;
4. Propositions of a sexual nature.

Sexual harassment also includes the threat or insinuation that lack of sexual submission shall adversely affect an employee's employment, wages, advancement, assigned duties or shifts, or other conditions that affect an employee's livelihood.

Responsibilities

Each employee is responsible to ensure that his/her conduct or actions do not violate the law or this policy, and that s/he does not actively or passively condone any form of harassment. Participate in or encourage another employee to engage in action that violates the law or this policy.

Supervisors have the additional duty to report any observed or report conduct or behavior in violation of the law or this policy. Supervisors shall also intervene and attempt to stop any harassing behavior or conduct which the supervisor observes and the supervisor shall take all actions to ensure that there is no retaliation against an subordinate for reporting an incident of conduct or behavior in violation of the law or this policy.

Complaint Procedure

A. **Filing:** An employee or job applicant who believes s/he has been harassed may make a complaint orally or in writing with any of the following:

1. Immediate supervisor, or
2. Department Head, or
3. City Manager.

Any supervisor or Department Head who receives a harassment complaint shall notify the City Manager immediately.

B. Upon notification of a harassment complaint, the City Manager shall:

1. Authorize the confidential investigation of the complaint and supervise and/or investigate the complaint investigation, including interviews with:
 - a. The complainant,
 - b. The accused harasser,
 - c. Any other persons the City Manager has reason to believe to have relevant knowledge concerning the complaint.

2. Review factual information gathered through the investigation to determine whether the illegal conduct constitutes harassment; giving consideration to all factual information, the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct and the context in which the alleged incident occurred.
3. Report to complainant, alleged harasser, supervisor and/or Department Head determination as to whether or not harassment occurred.
4. If harassment occurred, take prompt and effective remedial action against the harasser. The action shall be commensurate with the severity of the offense.
5. Take reasonable steps to protect the victim and other potential victims from further harassment.
6. Take reasonable steps to protect the victim from any retaliation as a result of communicating the complaint.
7. Maintain the confidentiality of the complaint, investigation, report and determination, except as needed to be disclosed to allow full investigation of the complaint and to take any corrective or preventative action.

CHAPTER II: COMPENSATION AND BENEFITS

RULE 18 COMPENSATION AND HOURS

Section 1. Employee Compensation Plan

An employee compensation plan shall be established to provide salary schedules, salary rates, salary ranges, and steps and time intervals for salary review. Each class in the classification plan shall be assigned a salary range or a rate established in the compensation plan. All persons employed by the City shall be compensated in accordance with the compensation plan then in effect.

Section 2. Preparation

The Personnel Officer shall be responsible for the development and maintenance of a uniform and equitable salary plan which shall include the range of salary rates for each position in the classified service. Salary ranges shall be related directly to the position classification plan and shall be determined with due regard to ranges of pay for other classes, qualifications, prevailing rates of public and private employment, to current costs of living, to suggestions of department heads, maintenance or other fringe benefits received by employees, to the City's financial condition and policies, and to any other relevant factors.

Section 3. Adoption of Compensation Plan

The salary plan shall be adopted and may be amended from time to time by the City Council on advice from the City Manager.

In no event shall the compensation plan be amended affecting any classification represented by a recognized employee organization until such time as the requirements of the California Government Code concerning meeting and conferring in good faith have been fulfilled. This provision does not preclude the governing body from taking unilateral action on the compensation plan at such time as they determine the requirements of the government code have been met.

Notice of City Council consideration of the proposed compensation plan, amendments or revisions, shall be publicly posted a minimum of five (5) working days prior to Council action. Thereafter, no position shall be assigned a salary not in conformance with the salary schedule unless the salary schedule for the class is amended in the same manner as herein provided for adoption.

Section 4. Application and Use of Salary Ranges and Rates

All newly hired or promoted employees beginning at the minimum of a given salary range shall receive salary increases based upon a satisfactory performance evaluation, as recommended by the department head and approved by the Personnel Officer, in accordance with the time intervals established in the employee compensation plan and the following provisions:

- a. Advancement to Step B in the salary range shall be eligible after six (6) months of satisfactory full-time employment.
- b. Eligibility for advancement to Step C and all other steps shall occur at annual intervals.
- c. When an appointment is made at any step other than Step A, eligibility for advancement shall be on an annual basis.

Advancement to Steps B, C, D, and E in the salary range may be granted for continued improvement and efficient and effective services by the employee in the performance of his duties. Such merit advancements shall be effective on the first day of the payroll period immediately following the employee's years of service anniversary date.

Salary steps and ranges are subject to review annual by the City Council as an aspect of the City budgetary process.

The City Manager may make an appointment to a position at an appropriate higher salary step when, in his opinion, it is difficult to obtain qualified personnel at the starting salary or when it appears that the education and experience of a proposed employee is substantially superior to that required of the class and justifies the beginning salary in excess of the first step.

When any employee is reinstated to a position in a class in which that employee was previously employed, the City Manager may permit a higher rate of salary than the first salary step to be paid.

Section 5. Pay Advancement Within Assigned Salary Ranges

Prior to the anniversary date of pay increase eligibility, the department head shall review the performance record of the employee under consideration and based on this review forward a recommendation of approval or denial to the Personnel Officer. All recommendations for denial of merit pay increases must be accompanied by a statement of reasons, as required by the Personnel Officer, which shall be placed in the employee's personnel file. Following the denial, the affected employee shall not be eligible for further merit pay increase consideration for a period of ninety (90) days, at which time the employee's performance record must be reviewed jointly by the appointing authority and the Personnel Officer or the Personnel Officer's designee. Following the ninety (90) day performance review, the following action may be taken:

- a. The merit increase may be granted.
- b. The employee may remain at the same rate of pay for an additional ninety (90) day performance evaluation.
- c. The employee may be discharged for unsatisfactory service subject to the provisions of Rule 13.
- d. The employee may be re-assigned for a more suitable position.

A decision to discharge the employee may be appealed by the employee in accordance with the provision of these rules and regulations.

Under unusual circumstances, an employee may be advanced to one step after extensive documentation of consistently outstanding performance over a number of years has been submitted by the department head and approved by the City Manager. The granting of an outstanding performance merit increase shall not change the employee's anniversary date.

Section 6. Salary Adjustments for Promotion, Demotion or Transfer

When an employee is promoted, demoted or transferred, that employee's rate of pay shall be established in accordance with the following subsections:

- a. Promotion. When an employee is promoted, that employee's salary shall be advanced to the step in the new pay range which provided at least the equivalent of the next merit step increase in the range from which the employee was promoted.
- b. Demotion. When an employee is demoted voluntarily, that employee's salary shall be set at the step in the new pay range which provides the smallest decrease in pay. When an employee is demoted for cause, that employee's salary shall be set at a step in the new pay range as recommended by the department head and approved by the Personnel Officer.
- c. Transfer. When an employee is transferred (as defined herein), that employee's salary shall remain at the same step and rate of pay.

All actions involving changes in the rate of pay shall be subject to the written approval of the Personnel Officer and such written approval shall be retained in the employee's personnel file.

Section 7. Pay for Temporary and Part-time Work

Temporary and part-time employees working more than twenty (20) but less than forty (40) hours per week on a regular schedule shall be paid in accordance with the pay range for the appropriate class on a prorated basis for the hours worked. Temporary and part-time employees working less than twenty (20) hours per week on a regular schedule shall be paid on an hourly basis. Temporary and part-time employees shall receive those benefits as provided in formal policy or agreements approved by the City Council, or as required in State or Federal law. Permanent part-time employees working twenty-four (24) hours per week or more shall be eligible for proportional benefits in accordance with these Rules.

Section 8. Work Period

The City Manager shall establish the start date and time for each of the work period set forth in this section in accordance with the requirements of law.

- a. General Employee. A work period is fixed and regularly recurring period of one hundred sixty-eight (168) consecutive hours – seven (7) consecutive twenty-four-hour periods. It need not coincide with the calendar week, but may begin on any day and at any hour of the day.

- b. Law Enforcement Employees. A work period of a fixed and regularly recurring period of six hundred seventy-two (672) hours-twenty-eight (28) consecutive twenty-four-hour periods. It need not coincide with the calendar week, but may begin on any day and at any hour of the day.
- c. Specific Schedule. The specific schedule or work hours shall be established by the individual departments and approved by the department head.

Section 9. Attendance

All employees shall be in attendance at regular work hours in accordance with these rules and general departmental regulations. All departments shall keep daily attendance records of its employees, which shall be reported to the Personnel Officer on the dates he/she shall specify.

Section 10. Pay Periods

The pay periods for all employees shall be semi-monthly and salaries will be paid on the fifteenth (15th) and thirtieth (30th) day of each month. When the regular pay day coincides with a Saturday, Sunday or holiday, pay checks will be issued on the work day immediately preceding such Saturday, Sunday or holiday.

Except for employees being terminated, salaries will be paid only on regular pay days. Employees leaving the municipal service will normal be paid on the regular pay day following the date of termination and upon written clearance with the department concerned that said employee has returned all City tools, clothing, keys and equipment. The method of distribution of payroll checks shall be established by the City Manager.

Section 11. Computation of Salary

The salary rates for all authorized City positions are set forth in the Employee Compensation Plan. In the conversion of monthly salaries, hourly rates are computed as follows:

Twelve (12) times the monthly salary divided by 2,080 hours per year

Section 12. Overtime Policy

It is the policy of the City that overtime work is to be kept to the minimum consistent with protection of life, property and the efficient operation of the departments and activities of the City.

Section 13. Overtime Procedures

No overtime may be worked by an employee unless approved in advance by the respective department head, or in the case of unusual circumstances when prior approval of overtime is impractical. Authorization for overtime credit shall be sought no later than the end of the following work day. In the absence of the department head, all requests for overtime shall be directed to the employee's immediate supervisor.

Section 14. Overtime Compensation

- a. General Employees. Overtime pay is calculated in terms of work period-not a pay period. Employees will be paid one and one-half (1 ½) times their regular rate for any hours worked over forty (40) during any single period.
- b. Law Enforcement Employees. Overtime pay is calculated in terms of a work period-not a pay period. Employees involved in law enforcement activities must be paid one and one-half (1 ½) times their regular rate for any hours worked over the hundred and sixty (160) hours during any single work week.

For every hour of overtime worked, employees are entitled to time and one-half pay or compensatory time off in an amount equal to the rate of overtime earned. The employee shall specify a choice of either pay or compensatory time off.

Law enforcement employees may accumulate compensatory time off according to the limits set forth in the current memorandum of understanding prior to being required to receive overtime pay. Such time off shall be at the department head's discretion and taken in the same fiscal year at which it was earned.

Section 15. Overtime Computation

Any classified non-exempt employees who are called to work overtime from off-duty hours shall be compensated for a minimum of one (1) hour's work except as otherwise provided in these rules and regulations. All time worked which exceeds the minimum of one (1) hour shall be credited for the actual hours worked. Overtime shall commence at the time an employee reaches the place directed to report and shall continue until released from duty or the work is completed, whichever is earlier.

Section 16. Standby Compensation

Compensation for regularly established emergency standby service shall be in an amount that may be established by the City Council

Section 17. Positions Exempt from Overtime

Overtime compensation provisions shall not apply to:

- a. Executive Positions
- b. Administrative Positions

The definition of these positions shall be as set forth in the Fair Labor Standards Act of the United States as promulgated by the Department of Labor. Overtime for the Executive and Administrative positions shall be ten (10) days administrative leave per fiscal year or may be provided by separate procedure in writing approved by the City Manager.

- a. Executive Positions
 - 1. City Manager (negotiated amount)
 - 2. Chief of Police
 - 3. Redevelopment and Housing Director
 - 4. Finance Manager
 - 5. Public Works Director¹
 - 6. Community Development Director
- b. Administrative Positions
 - 1. Housing Programs Manager
 - 2. Executive Assistant
 - 3. Youthbuild Program Director

¹ Per Resolution 2010-3 Dated January 12, 2010

Each position in the City service which is exempt from FLSA mandated overtime shall have a statement of exemption maintained in the employee's personnel file specifying the type of employment which qualifies the position for the exemption. This leave shall not accumulate beyond the end of any fiscal year.

Section 18. Overtime in Disaster Condition

In case of disaster, state of extreme emergency or local peril, the overtime procedures herein established shall not be in effect and compensation procedures will be determined at the time of such conditions, provided, however, such compensation shall be in accordance with the requirements of the Fair Labor Standards Act.

Section 19. Deductions

Deductions from employees' pay shall be made in accordance with prevailing laws, contract, and administrative rules and procedures established by the City Manager.

Section 20. Uniform Allowance

Clothing allowances, as prescribed, shall be payable to those police and public works employees who are required to wear uniforms. Uniform allowances shall be set and promulgated by the City Council.

Section 21. Travel Allowance

Occasionally, employees will be required to travel on City business. If the employee is required to use a personal car, mileage will be paid by the City at a rate approved by the City Council. If the employee travels by air, the cost of the airline fare shall be paid by the City in an amount not to exceed the regular coach fare. Lodging will be paid by the City. Meals and other expenses will be covered by a per diem expense advance or by use of a City credit card if authorized by the City Manager. Expenses beyond the per diem advance may be reimbursed if approved by the City Manager.

Section 22. Termination Allowance

At the time an employee terminates employment with the City, the employee shall be compensated for all accumulated vacation and overtime. In addition, where it is deemed appropriate, the City Council may provide for up to two (2) weeks of termination pay at the employee's then current rate.

Section 23. Additional Compensation – Police

The City includes in its memorandum of understanding various types of compensation which may not be specifically authorized or detailed with specificity in these rules. The current memorandum of understanding is appended hereto and deemed a part of these rules and regulations by reference. In the event of conflict between these rules and an applicable memorandum of understanding, the memorandum of understanding shall supersede the rule.

RULE 19 SICK LEAVE

Section 1. Statement of Policy

The purpose of sick leave is to provide an employee time off without loss of pay due to illness. It is provided in recognition of the fact that a sick employee is not fully productive and that time off to rest will allow such an employee to recuperate more rapidly. Additionally, sick leave is provided so that employees who have illnesses which may be contagious will not expose other employees or members of the public. Sick leave shall not be considered as a privilege which an employee may use at the employee's discretion, but shall be granted only upon the recommendation of the department head. Sick leave shall be allowed and used only in the case of necessity and actual personal sickness or disability, medical or dental treatment, or in the case of an emergency illness in the immediate family. Immediate family shall mean the spouse, parent, child, brother, sister or a close relative residing in the household of the employee.

Section 2. Eligibility

No sick leave, unless authorized by the Personnel Officer, may be taken during the employee's probationary period. Sick leave time accrued for the initial six months of employment may be used after that period has been completed. In order to receive compensation while absent on sick leave, the employee shall notify the head of the department prior to the first day of absence. Notification shall be at least two (2) hours prior to the time set for the beginning of said employee's work shift. Department heads may, at their discretion, reduce the time period required for notification prior to absence and may grant exceptions to the notification requirement if an unreasonable hardship would be imposed on the employee.

When an employee is absent due to illness or injury for more than two (2) days, a physician's certificate may be required stating the cause of the absence and arresting to the employee's ability to resume work. Sick leave is not allowed when the disability results from self-inflicted sickness or injury or will misconduct or in the event disability is sustained while on leave of absence. Five (5) days of sick leave shall be permitted in case of death of a relative of the first degree by blood or marriage.

Section 3. Affidavit and Physician's Certificate

On every occasion for which sick leave is requested, regardless of duration, each employee shall file with the Personnel Officer an affidavit specifying the purpose for which the sick leave will be or has been used. The employee will state the particular reason for the use of sick leave, and sick leave pay will be only for the reasons set forth in Section 1 above. Detail must be sufficient enough for the City to reasonably assume the validity of the claim or to injury or illness. Such information need not be so specific nor is it intended to be used to unnecessarily seek the existence of a disability as defined by the Americans with Disabilities Act. Whenever an employee is absent for more than two (2) consecutive working days for any of the reasons set forth in Section 1, the employee shall provide a statement from a physician specifying that the employee was under treatment and incapacitated from work, or confirming the emergency illness of an immediate family member to qualify for sick leave as permitted in Section 1.

Notwithstanding the above, the Personnel Officer may require a physician's statement whenever repeated absences of two (2) days or less occur repeatedly.

Section 4. Accrual

Sick leave shall be accrued monthly, beginning with the first month of employment, provided the employee has been in pay status for fifty (50) percent or more of the first or any month thereafter. Sick leave shall be added to the employee's sick accumulation account upon completion of each calendar month with no credit applied during the progress of the month for a portion of the month during which the employee terminates his City service. Sick leave shall be accrued at the rate of ten (10) hours per month for all City employees; an employee may accumulate as much sick leave as the employee's active service time permits after deductions for sick leave use.

Section 5. Deductions

Sick leave with pay shall be granted on an hour-for-hour basis. Calls for medical, dental or other similar practitioner's office which are made during working hours for other than job-related injuries shall be considered sick leave if they are longer than one (1) hour.

Exempt employees whose sick leave balance has been depleted shall be compensated at their regular rate of pay for all absences of less than one day's (shift's) duration necessitated by absence of sick leave.

Section 6. Incentives

Sick leave is a privilege that should not be misused. As an incentive to discourage misuse and encourage long term honorable active service, an employee who retires and/or resigns in good standing shall receive payment in direction proportion to the increments and percentages provided in the following formula:

- a. After five (5) years of continuous service and separation in good standing, ten (10) percent of accumulated sick leave.
- b. After ten (10) years of continuous service and separation in good standing, twenty (20) percent of accumulated sick leave.
- c. After fifteen (15) years of continuous service and separation in good standing, thirty (30) percent of accumulated sick leave.
- d. After twenty (20) years of continuous service and separation in good standing, forty (40) percent of accumulated sick leave.¹

Section 7. Workers' Compensation

An employee who is absent from work by reason of any injury or illness covered by Workers' Compensation shall continue in pay status under the following provisions:

- a. Except as may otherwise be provided by State law, the difference between the amount granted pursuant to such Workers' Compensation and the employee's regular rate of pay shall be paid to the employee for a period of thirty (30) days.

¹ Per Resolution 2001-01 Dated January 2, 2001

- b. Beyond the initial thirty (30) days, the difference between the amount granted pursuant to such Workers' Compensation and the employee's regular rate of pay may be deducted from the employee's accumulated sick leave, compensatory time off and when requested by the employee and authorized by the Personnel Officer, from the employee's accumulated vacation time.
- c. When it appears the employee cannot return to work by the expiration of such allowance, disability retirement may be requested by the City to become effective at the expiration of these allowances unless the employee applies for, or consents to, retirement as of an earlier date.
- d. During the time the employee is in pay status while absent from work by reason of injury or illness covered by Workers' Compensation, the employee shall receive full benefits except the employee shall not receive credit for holiday pay, that is pay for time which might normally be worked on a holiday in lieu of a day off.
- e. No employee shall be paid any temporary disability indemnity under Workers' Compensation concurrently with wages or salary payment made by the City amounting to more than the regular rate of pay at any time during the disability leave.
- f. No employee shall receive wages and salary payments from the City following a disability separation, provided, however, the employee shall be entitled to a pay-off of accrued and vested leave benefits. A disability separation for an injured public safety employee shall not occur until the employee's injury is determined to be permanent and stationary within the meaning of the California Labor Code, unless the employee consents otherwise in writing.
- g. The amount, procedures, and duration of compensation benefits shall be in accordance with the provisions and limitations of State law and the City's Workers' Compensation insurance coverage.

Section 8. Family Leave

Pursuant to the Family and Medical Leave Act of 1993, employees who have more than one year of continuous service may request and shall be granted up to twelve work weeks of unpaid leave during any twelve month period for family care responsibilities or for their own serious medical condition.

- a. Employee shall be eligible for all benefits which would accrue to other employees on unpaid leave.
- b. Subject to limitations of the contracted for health and retirement plans, the employee may elect to pay their premiums and contributions.
- c. Employment status is maintained during the leave and seniority related benefits are equal to those existing at the time the leave commenced.
- d. If the employee's need for leave is foreseeable, the employee is required to give the City reasonable advance notice of such pending leave request which shall not be less than 30 days.
- e. Requests for personal or family leave shall be supported by a written certification from the health care provider delineating the following information concerning the employee or family member for whose care the leave is sought:
 - 1) The date on which the serious health condition commenced.
 - 2) The probable duration of the condition.
 - 3) An estimate of the amount of time the health care provider believes the employee needs to care for the individual requiring the care.
 - 4) A statement that a serious health condition warrants the participation of a family member to provide such care.

- f. The City Manager may deny a request for personal or family care:
 - 1) If the refusal is necessary to prevent substantial and grievous economic injury to the operation of the City.
 - 2) If the leave is requested by a salaried employee (exempt) who is amount the top ten percent of the City's employees in terms of gross salary.

RULE 20 VACATION LEAVE

Section 1. Vacation Policy

The purpose of annual vacation leave is to enable each eligible employee to take a break from his work and return mentally refreshed. For this reason it is the intention of the City that vacations be taken, insofar as possible, in period of one week or more.

Section 2. Vacation Accrual

All employees in the classified service shall be credited with the vacation time in relation to years of continuous service in accordance with the following schedule:

- a. Less Than Five (5) Years. For employees completing less than five (5) years of continuous service, six and two-thirds (6-2/3) hours for each month of service – ten (10) working days per year.
- b. Five (5) or More Years. For employees completing five (5) or more years of continuous service, ten (10) hours for each month of service – fifteen (15) working days per year.
- c. Fifteen (15) or More Years. For employees completing fifteen (15) or more years of continuous service, fourteen (14) hours for each month of service – twenty-one (21) working days per year.
- d. Any further changes in vacation time will be set by resolution of the City Council.

Vacation shall be credited on a prorated basis of the amount of time in which the employee is in pay status during the month. Vacation shall be credited at the end of each month of service.

Every permanent part-time officer and employee of the City, whether paid a salary or daily wage, who has been such officer or employee for at least twelve (12) full months, shall be allowed vacation each year on the same basis as full-time officers and employees, except that the number of days' vacation time shall be proportionately reduced.

When impractical for any reason to schedule any vacation within any year, vacations may be accumulated up to three years (the annual accrual time three). Once the maximum accrual has been reached, the employee shall cease to accrue additional vacation until the balance is reduced below the maximum. The maximum balance accruable may be modified either by an employment contract or a memorandum of understanding. Employees shall be paid for accumulated vacation time upon termination of employment.

Section 3. Use of Vacation

Employees shall complete six (6) months of continuous service before becoming eligible to use accrued vacation leave unless the Personnel Officer shall authorize the utilization of accrued vacation prior to the completion of this period. The scheduling of and duration of an employee's use of accrued vacation leave shall be determined by the department head with particular regard for the needs of the City. Employees shall not work for the City during their vacation in order to earn double compensation.

In the absence of a departmental policy approved by the City Administration, employees shall apply for a vacation at least thirty (30) calendar days before the requested effective date of vacation. Should the requests of two employees conflict, the supervisor may recommend changes to best accommodate all employees. Important criteria to be considered by the supervisor are the classification and seniority of the employees, the dates on which the vacation requests were submitted and workload requirements.¹

Section 4. Compensation in Lieu of Time Off

Each year an employee may request that the City purchase any accrued vacation over 80 hours. Any purchase in excess of 40 hours shall be approved by the City Manager. All requests that the City purchase accrued vacation must be made by November 15th and will be paid by December 1st of each year.²

¹ Per Resolution 2006-96 Dated November 14, 2006

² Per Resolution 2006-96 Dated November 14, 2006

Section 5. Holiday Falling During Vacation

In the event a City holiday falls within an employee's vacation period which would have excused the employee from work and for which no other compensation is made, such holiday shall not be charged as a vacation day.

Section 6. Vacation at Termination

Employees leaving the municipal service who have accumulated leave shall be paid the amount of accrued vacation to the date of termination.

Section 7. Military Service – Vacation Pay-Off Exception

An employee who interrupts his municipal service because of extended military leave shall, upon the employee's request, be compensated for accrued vacation at the time the leave becomes effective.

Section 8. Management Leave

Employees who are exempt from the overtime provision of the Fair Labor Standards Act may be awarded Management Leave annually by the City Council. This leave shall not accumulate beyond the end of any fiscal year.

RULE 21 HOLIDAYS

Section 1. Statement of Policy

In addition to every Saturday and Sunday, which shall be holidays regarding the transaction of business in public offices as well as normal days off for some employees, the following holidays are recognized as municipal holidays for pay purposes. All regular employees shall have these days except as otherwise provided herein.

- a. January 1st
- b. The third Monday in January, known as Martin Luther King Day
- c. The third Monday in March, known as Cesar Chavez Day¹
- d. The last Monday in May, known as Memorial Day
- e. July 4th
- f. The first Monday in September, known as Labor Day
- g. The second Monday in October, known as Columbus Day
- h. November 11th, known as Veteran's Day
- i. The fourth Thursday in November, known as Thanksgiving Day
- j. The day subsequent to the fourth Thursday in November
- k. December 24th, known as Christmas Eve
- l. December 25th, known as Christmas Day
- m. A personal holiday approved by the employee's supervisor

¹ Per Resolution 2001-01 Dated January 2, 2001

- n. Subject to the approval of a majority of the members of the City Council, every day appointed by the President of the United States, the Governor of California, or the Mayor of Greenfield for a public fast, thanksgiving or holiday.

If any holiday falls on a Saturday, the preceding Friday shall be observed as the holiday; if it falls on a Sunday, the following Monday shall be observed as the holiday.

Section 2. Holiday pay for Public Safety Employees

If those instances where a holiday, other than a Saturday or Sunday holiday as defined above, falls on a normal day off of a public safety employee, such employee shall be compensated for an additional eight hours. Holiday pay shall not be granted to public safety employees who receive a holiday off in addition to their regular days off.

RULE 22 LEAVES OF ABSENCE

Section 1. Leave of Absence Without Pay

Leave of absence without pay may be granted in cases of emergency or where such absence would not be contrary to the best interests of the City. Such leave is not a right but a privilege. Employees on an authorized leave of absence without pay may not extend such leave without the express approval of the appointing authority. No vacation or sick leave benefits shall be used for illness occurring during such leave nor shall any such benefits accrue.

Leave of absence without pay for one week or less may be granted at the discretion of the department head. Leave of absence without pay in excess of one week's duration may be granted by the department head with the approval of the City Manager, but such leave shall not exceed thirty (30) days per calendar year. Leave in excess of thirty (30) days must be approved by the department head, City Manager and City Council, with such leave not to exceed twelve (12) months' duration.

Section 2. Absence Without Leave

Absence without leave shall be considered to be without pay, and reductions in the employee's pay shall be made accordingly. Absence without leave for three (3) consecutive work days shall be considered as a resignation from City service unless otherwise determined by the City Manager. Such termination shall not be subject to appeal and shall be subject to the procedures set forth in Rule Ten (10).

Section 3. Leave of Absence for Death Outside the Immediate Family

Leave without pay may be granted a regular employee by the department head in the event of death to family members other than one of the immediate family, such leave having been granted in accordance with these rules and regulations.

Section 4. Military Leave of Absence

State and other applicable laws shall govern the granting of military leaves of absence and the rights of employees returning from such absence.

Section 5. Jury Duty

Employees required to report for jury duty shall be granted a leave of absence with pay from their assigned duties until released by the court. Employees may not waive compensation from the court, and within thirty (30) days from the termination of jury duty, the employee must remit to the City all fees received for such duties other than mileage and subsistence allowance.

Section 6. Volunteer Firefighter Leave

Employees serving as voluntary firefighters shall be granted leave without pay to perform emergency duty as a volunteer firefighter.

Section 7. School Visits

Employees who are required to appear at school as a result of their child or dependent having been suspended shall be granted leave without pay or may, at the employee's request, charge such to accumulated vacation or compensatory time.

The employee shall provide the supervisor with reasonable notice for such time off. Additionally, up to four hours' vacation or compensatory time per child shall be granted upon request provided the employee gives reasonable notice for the requested time off. At the discretion of the department head and at the request of the employee, such time may be taken as a leave of absence without pay. The employee shall provide the supervisor with such evidence as the school deems reasonable providing proof of such visit.

Section 8. Subpoenas

Regular employees who are subpoenaed to appear as witness on behalf of the State of California or any of its agencies may be granted leave of absences with pay for their assigned duties until released. The employee shall remit all fees for such appearances to the City within thirty (30) days of the termination of required service. Compensation for mileage and subsistence allowances shall not be considered as a fee and shall be retained by the employee. Leaves of absences will not be compensated for employees who are litigants against the City, even if subpoenaed by the City to testify.

Section 9. Workers' Compensation Hearings

Employees who have been injured in the course and scope of their employment with the City and who are required, as a result of such injury, to be absent from duty to take physical examinations required by the City's Workers' Compensation insurer or the Industrial Accident Commission or to attend hearing of the Industrial Accident Commission, shall be granted leave with pay for such absences by the Personnel Officer, provided the employee is in pay status at the time of scheduled examinations or hearings.

Section 10. Maternity Leave

Employees shall be granted maternity leave in accordance with the following provisions:

- a. In all cases of pregnancy, the employee shall furnish the City a statement from her physician giving the anticipated date of delivery and the opinion of the physician as to her ability to perform her normal work assignment. Such statement shall be furnished as soon as practicable after a determination of the pregnancy has been made.
- b. A pregnant employee will be permitted to work as long as she is able to safely perform the duties of her position as recommended by the statement of her physician, based upon examination of her during the fifth or sixth month of pregnancy.
- c. An employee will be permitted to return to work when she is able to safely perform the duties of her position as recommended by the statement of her physician, based upon examination of her after childbirth. An employee must give notice two (2) weeks prior to the date she wants to return to work. If she does not give two (2) weeks' notice prior to the date she wants to return to work, the department shall not be required to return her to work until two (2) weeks after she has given notice.
- d. A pregnant employee shall be allowed to be absent for the period during which, in the opinion of her attending physician and where necessary the City physician, she is temporarily disabled because of pregnancy, miscarriage, abortion, childbirth and recovery therefrom, not to exceed four (4) months.

- e. The City may, at its option and at City cost, require an independent medical opinion concerning the employee's ability to safely perform her duties.
- f. A pregnant employee shall be entitled to use all accumulated paid leave time (sick leave, accrued compensatory time, vacation) for maternity leave and such additional leave of absence without pay up to four (4) months as provided herein.
- g. After such time as accrued leave has expired or if the employee elects not to use accrued leave, the employee shall continue during her maternity leave to receive other benefits, including sick leave and vacation accumulation, health insurance and seniority credit.

CHAPTER III: DEFINITIONS

RULE 23 DEFINITION OF TERMS

Allocation

The assignment of a position to its appropriate class in relation to duties performed.

Appeal

An application for review of an alleged grievance submitted or instituted by an employee with the City or a request for an administrative review of a disciplinary action imposed by the management of the City.

Applicant

An individual who has completed and submitted an application for employment with the City.

Appointment

The offer to and acceptance by a person of a position either on a regular or temporary basis.

Appointing Authority

The City Manager shall be the appointing authority.

Candidate

A person participating in an examination given by the City.

Class

A group of positions which are substantially similar as to the types of work involved and differ only in rank, as determined by the importance of the duties, and the desirable quality in order to constitute a series.

Class Series

A number of classes of positions consisting of a class title, a general statement of the level of work and of the distinguishing features of work, examples of duties, and the desirable qualifications for the class.

Classification

The act of grouping positions in classes with regard to: (1) duties and responsibilities; (2) requirements as to education, knowledge, experience, and ability; (3) test of fitness; and (4) range of pay.

Classification Plan

The official or approved system of grouping positions into appropriate classes consisting of (1) an index to the class specifications; (2) the class specifications; and (3) rules for administering the classification plan.

Classified

All offices and positions in the service of the Greenfield which fall within the classification plan and are not designated as unclassified.

Compensation

The standard rates of pay which has been established for the respective classes of work, as set forth in the compensation plan.

Compensation Plan

The official schedule of pay as approved by the City Council, assigning one or more rates to each class title.

Compensatory Leave

Time off from work in lieu of monetary payment for overtime worked.

Continuous Examination

Examinations for a specified class conducted on a periodic basis and where successful applicants will have their names merged onto existing eligible lists.

Demotion

Assignment of an employee from one class to another which has a lower maximum rate of pay.

Department

The primary organizational unit which is under the immediate charge of a department head who reports directly to the City Manager.

Discharge

Separation from City employment for cause.

Eligible or Employment List

A list of eligible persons available for appointment to a position in the City service.

Eligible Person

Any person who has successfully met required qualifications for a particular class.

Employee

An individual who is legally employed by the City and is compensated through the City payroll for his or her service. Individuals or groups compensated on a fee basis are not included.

Examination

The process of testing, evaluating, or investigating the fitness and qualifications of applicant and employee.

Exempt Service

Those positions not subject to the overtime provisions of the Fair Labor Standards Act of the United States Government.

Family Leave

Leave for serious personal illness or to care for child, spouse, or parent pursuant to the Family and Medical Leave Act of 1993.

Immediate Family

Includes spouse, daughter, son, mother, father, sister, brother and legal dependents.

Layoff

The involuntary nondisciplinary separation of an employee from a position.

Leave

An approved type of absence from work as provided for by these rules.

Management Personnel

Those employees specifically designated as managerial employees by the City Council.

Merit Pay Increase

An increase in compensation established in the compensation plan which may be granted to an employee for meritorious service and completion of minimum prescribed periods of employment in the class.

Municipal Service

All positions in the work force, including classified and unclassified.

Open Examination

An examination conducted to select an employee for the City and to which any qualified individual may make application.

Overtime Compensation

A rate of pay specified in this code for hours worked in excess of regularly scheduled hours within a work period.

Pay Range

A specific dollar amount expressed as either an annual rate or an hourly rate, as shown in the pay plan of the City.

Pay Rate

A specific dollar amount, expressed as either an annual rate, a monthly rate, a semi-monthly rate, a biweekly rate, or an hourly rate as shown in the pay plan of the City.

Pay Step

One of the five (5) levels of pay within a prescribed pay range.

Permanent Employee

An employee who has successfully completed their probationary period.

Permanent Part-Time Employee

Any employee who works on a regularly scheduled basis of at least twenty-four (24) hours per week and is selected in accord with the procedures set forth in these rules and successfully completed their probationary period.

Personnel Board

A five member board appointed by the Mayor and ratified by the City Council and serving as the original appellate body designed by the City Council to hear appeals from specified disciplinary actions as set forth in these rules.

Personnel Officer

The City Manager or designee shall be the Personnel Officer and shall be the appointing authority for all positions in the City service, except elective officials and those positions directly appointed by the City Council.

Position

Any office or employment, whether occupied or vacant, full time or part-time, consisting of duties and responsibilities as assigned to one individual by a competent authority.

Probationary Employee

An employee in a testing period to determine that individual's suitability for the position to which they have been appointed; and an employee without a property right to the job or any guarantee of continued employment.

Probationary Period

The working test or trial period of employment beginning with the date of an employee's first appointment to the classified service.

Promotion

Assignment of an employee from one class to another which has a higher maximum rate of pay.

Promotional Examination

An examination conducted to select an employee for the City and to which only qualified regular employees may make application.

Public Safety Employees

Those employees conducted to select an employee for the City and to which only qualified regular employees may make application.

Reclassification

The reallocation of an existing position to a different classification.

Regular Assignment

An appointment without time limitation, or special restrictions as to continued employment to a permanent position authorized to be filled, and made as a result of a certification as prescribed by these rules.

Regular Employee

An individual receiving an appointment to the classified or unclassified service.

Reprimand

A disciplinary action advising an employee of deficient performance. It may be in writing or conveyed orally.

Removal

Separation of an employee on probation.

Resignation

A voluntary decision by an employee to separate from the City service.

Salary Reduction

A change in pay to a lower step within the established pay range of a specific class.

Service Rating

A periodic evaluation of an employee's performance by the employee's supervisor.

Step Increase or Pay Advancement

An increase in pay granted to an employee based on meritorious performance within the pay range of the specified class.

Suspension

An enforced leave of absence for disciplinary purposes or pending investigation of charges made against an employee.

Transfer

Assignment of an employee from one position to another position in accordance with the provisions of these rules.

Unclassified Service

Those positions not subject to the provisions of this code, unless otherwise specified, who are appointed and serve at the will of the appointing authority. Included are those positions specified in the compensation plan as unclassified and all temporary, part-time and volunteer positions.

Work Day

Scheduled number of hours that an employee is required to work per day.

Work Period

A duration of time specified in this code used to calculate eligibility for overtime compensation.