



*City of*  
**LEMOORE**  
**CALIFORNIA**

Personnel System  
Guidelines



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## **RULE 1 MERIT PERSONNEL SYSTEM**

### ***Section 1.1 Purpose***

The purpose of this personnel system is to:

1. Establish an equitable and uniform procedure for dealing with personnel matters;
2. Attract the most competent and desirable persons available for employment;
3. Assure that appointment and advancement of employees are based on merit and ability; and
4. Provide reasonable security for qualified employees.

The objectives of these personnel system rules are to facilitate efficient and economical service to the public and provide for a fair and equitable system of personnel management in the City of Lemoore. These rules set forth those guidelines and policies which ensure similar treatment for those who compete for original and promotional employment and define certain obligations, rights, privileges, benefits, and prohibitions which are placed upon all employees in the service of the City.

If a provision of these rules conflicts with any provision of an applicable collective bargaining agreement entered into by the City of Lemoore and a recognized employee organization, to the extent of such conflict, the provision of the collective bargaining agreement shall be deemed controlling unless the provision of these rules has been adopted more recently.

### ***Section 1.2 Merit Employment Policy***

It is the policy of the City to provide for an employment system which assures that employees are selected, promoted and retained on the basis of merit. It is the intent of this system to provide fair and equitable treatment to all applicants for employment. The screening and selection of employees shall be on a specific job related basis. The potential and actual performance of employees within the City shall guide employment decisions with the goal of providing a high performance work force for the residents of the City.

### ***Section 1.3 Intent of the Personnel System***

1. Employment Standards: The City Council and all the citizens of the City of Lemoore expect that the City will employ the best qualified persons available and that the tenure of every City employee will be based on a demonstrated need for the work performed, availability of funds, competent effective performance, proper personal conduct, and continuing fitness for the position.
2. City Responsibility to Employees: Each employee of the City of Lemoore has the right to expect: To be fully informed of his or her duties and responsibilities; to be provided with adequate administrative and supervisory direction; to be informed of job expectations and desired work behaviors; that promotions will be made on the basis of merit and ability; and progressively improved work performance over an extended period will be recognized; that incompetence and misconduct will not be tolerated; and that suspensions, demotions, terminations, and other disciplinary actions will be administered in a fair and impartial manner.

### ***Section 1.4 Prior Policies Repealed***

If the terms and provisions of these personnel system guidelines are inconsistent or in conflict with the terms and provisions of any prior City of Lemoore ("City") personnel system rules, resolutions, rules and regulations governing the same subject, the terms of these personnel system guidelines shall prevail and such

inconsistent or conflicting provisions or prior resolutions, rules and regulations are hereby repealed.

### **Section 1.5            *Term of Personnel Manual***

These personnel system guidelines shall take effect when adopted by the City Council of the City. The manual shall remain in effect unless repealed or updated, in whole or part, by the City Council. The City Council may in its sole discretion add to, delete or otherwise modify these personnel system rules, provides, however, prior to amendment of these personnel system rules, the City Manager shall consult with City employees or, if required, upon request, meet and confer with affected recognized employee organizations.

### **Section 1.6            *Non-Discrimination***

The City shall comply with applicable federal and state laws governing fair employment practice and equal opportunity. The City strictly prohibits unlawful discrimination. This includes discrimination on the basis of sex, sexual orientation, gender identity, race, color, ancestry, religious creed, handicap or disability, medical condition, age (over forty), marital status, or any other protected class under applicable law.

The City of Lemoore has adopted a grievance procedure for prompt and equitable resolution of complaints alleging any action prohibited by the United States Department of Justice regulations implementing Title II of the Americans with Disabilities Act (ADA). Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination" in programs, services or activities sponsored by a public entity.

Notice of ADA Compliance: If an applicant needs reasonable accommodation to submit an application or attend an interview as part of the hiring process, the applicant should make arrangements by contacting the Human Resource Office at City Hall. They can be reached by calling (559) 924-6700, or by mail at 119 Fox Street, Lemoore, CA 93245.

### **Section 1.7            *ADA Grievance Procedure***

Complaints should be addressed to:

City of Lemoore Human Resource Office  
119 Fox Street, Lemoore, CA 93245  
Telephone: (559) 924-6700 Fax: (559) 924-9003

- 1) A complaint should be filed in writing, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
- 2) A complaint should be filed within 30 days after the complainant becomes aware of the alleged violation.
- 3) An investigation shall be conducted by the ADA Compliance Officer, as appropriate. These rules contemplate informal but thorough investigation, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
- 4) A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the ADA Compliance Officer, and a copy forwarded to the complainant no later than 60 days after its filing.
- 5) The ADA Compliance Officer shall maintain the files and records of the City of Lemoore relating to the complaints filed.
- 6) The complainant can request a reconsideration of the case in writing in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within 15 days to: Lemoore City Manager, 119 Fox Street Lemoore, CA 93245.
- 7) The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the

responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

### **Section 1.8            *Application of Personnel Rules***

These personnel rules shall apply to all officers, positions and employment in the service of the City, except:

- (a) Elected officials;
- (b) The City Manager and others designated or appointed by the City Council (Rules 17 to these individuals);
- (c) Members of appointed boards, commissions, committees, and agencies other than City employees;
- (d) Persons engaged under contract to supply expert, professional, technical or any other services (Rule 22 applies to these individuals);
- (e) Volunteer personnel; including but not limited to student interns (Rule 22 applies to these individuals);
- (f) Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as extraordinary fire, flood or earthquake which threatens life or property (Rules 17 and Rule 22 apply to these individuals); and
- (g) Employees, who are not regularly employed in budgeted positions and who are not regularly scheduled to work at least two thousand eighty hours per year (Rules 17 apply to these individuals).

### **Section 1.9            *Violation of Rules***

Violation of the provisions of these rules shall constitute grounds for disciplinary action. A violation shall not make disciplinary action mandatory but shall be given such weight as shall be appropriate in view of all the circumstances.

### **Section 1.10          *Employee Responsibility***

It shall be the responsibility of each employee to become aware and be knowledgeable of these personnel system guidelines.

### **Section 1.11          *Administrative - Department Policies and Procedures***

The City Manager or individual City Department Heads may develop and administer supplemental written department policies and procedures as deemed necessary for the efficient, safe and orderly administration of the City or department. However, no such policies or procedures shall conflict with or supersede these personnel system rules, other Council resolutions and ordinances, or existing laws, and shall be approved by the City Manager before their implementation. Copies of department policies and procedures shall be distributed to each employee of the department.

### **Section 1.12          *Distribution of Personnel Policies***

A copy of these personnel system rules shall be distributed to each City employee and each recognized employee organization. Newly hired employees shall receive a copy upon hire. Copies of these personnel system rules shall also be distributed to each department of the City. Department Heads shall make them accessible to employees. Copies shall be available in the Human Resources office. Employees with questions about these personnel system guidelines may direct them to his or her immediate supervisor, the department head or to the Human Resources office.

### **Section 1.13          *Savings Clause***

If any provisions, or the application(s) of any provision of these personnel system guidelines, as implemented, are rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provision of these personnel system rules shall remain in full force

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and effect. Nothing in these personnel system guidelines shall be construed to deny any person or employee the rights granted by federal or state law. The rights, powers and authority of the City Council in all matters, including the right to maintain any legal action shall not be modified or restricted by these regulations.



## RULE 2 DEFINITION OF TERMS

Terms used in these personnel system rules are defined as follows:

**Abandonment of Position** - The failure to report to work for three consecutive regular work shifts without notification by the employee and approval of the City.

**Acting Appointment** - An appointment of a person who possesses at least the minimum qualifications established for a particular class and who is appointed to a position in that class in the absence of available eligible incumbents, or on an interim basis pending later appointment of an eligible person.

**Advancement** - A salary increase within the limits of a pay range established for a class.

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

**Anniversary Date** - One calendar year from the date of the employee's probationary appointment with the City and each succeeding year thereafter. An employee's anniversary date shall be determined by applying the continuity of service requirements of these guidelines.

**Appointment** - The hiring of an individual for a position.

**Applicant** - Any person submitting a formal completed application for employment with the City.

**Appointing Authority** - The City Manager is the appointing authority for all City employees and the City Council shall appoint the City Manager. The City Manager may delegate appointing authority. All further delegations of appointing authority must be approved by the City Manager.

**Authorized Position** - A specific work position within a job classification that is or may be held by an employee.

**Benefit Date** - For the purpose of sick and vacation leave accrued, the benefit date is defined as follows for all employees: (a) If the employee's first working day is between the 1<sup>st</sup> and including the 15<sup>th</sup> of the month, the benefit date will be the first day of that pay period. (b) If the employee started anytime after the 16<sup>th</sup> day of the month, then the benefit date will be the first day of the following pay period. (c) Employees who are absent without pay for any period of time shall have his or her benefit date adjusted to reflect the deduction of the period of time in which the employee was absent without pay.

**Break in Continuous Service** - Separation of the employees from City employment initiated by either the City or the employee for any period without pay.

**Bulletin Board** - The official posting place for public notices as prescribed by law.

**Certification** - The furnishing of names by the personnel officer of eligible, available candidates for employment, from an employment list in the manner prescribed in these rules.

**City** - The City of Lemoore.

**City Council** - The City Council of the City of Lemoore.

**City Manager** - The City Manager of the City of Lemoore.

**Class** - The result of grouping together those positions that are similar in duties, authority, and responsibility, so that the same requirements as to education, general experience, general knowledge, and ability may be required of incumbents, to permit grouping under a common title in the application with equity of common standards of selection, transfer, demotion and salary, and so that the same schedule of compensation may be

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made to apply, notwithstanding that individual positions in the same class may be assigned specifically different duties and responsibilities. Each class will be assigned a separate class title.

**Class Specification** - The official description of a class including (1) the title (2) a definition, (3) a statement of the duties and responsibilities, and (4) the employment standards, such as education, experience, knowledge and skills, and abilities which may be required of applicants.

**Classification** - The action of assigning a position(s) to a class.

**Classification Plan** - The arrangement of positions in classes, together with the title and specifications describing each class.

**Compensation** - Salary, wages, fees, benefits, allowances and/or any other consideration paid to an employee for performing the duties for exercising the responsibilities of a position.

**Compensatory Time Off** - Time off from work in lieu of monetary payment for overtime work. Also known as Comp Time, a minimum of 1 ½ hours are given for each hour of overtime worked.

**Competitive Service** - All positions of employment in the service of the City except those excluded by Section 1.7 of these guidelines, appointed on basis of qualifications required for the position without regard to race, religion, sex, creed or national origin.

**Continuous Service** - Employment in a regular position that is uninterrupted from the effective date of the appointment except by an authorized absence with pay or as required by law.

**Contract Employees** - Contract employees are those individuals employed by the City pursuant to the terms of an individual employment contract that sets forth terms and conditions of employment.

**Days** - Means calendar days unless otherwise stated.

**Demotion** - The movement of an employee from a position in one class to another class, the new class having a lower maximum base rate of pay.

**Department** - A major administrative branch of the City involving a general line of work with one or more employees under the charge of one or more individuals known as supervisors.

**Department Head** - The individual designated as the administrative head of a City department.

**Disciplinary Action** - The termination, demotion, reduction in pay, and suspension of a regular employee for cause, designed to correct the conduct or performance of employees who fail to meet established standards and, in the case of the habitual problem employee or the one who has engaged in unacceptable behavior, to dismiss the employee from the work force.

**Division** - A subordinate part of a department.

**Due Process** - Process required by these guidelines to administer disciplinary actions by management.

**Eligible** - A person whose name is on an employment list.

**Employee** - A person who is legally occupying a position in the City's service or who is on an authorized leave of absence for such position.

**Employment Date** - Date on which an employee was hired to fill a full time position with the City.

**Employment List** - A list of names of persons who may be considered for employment with the City under specified conditions. Employment lists will be prepared as needed as determined by the City Manager.

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**Evaluation Date** - For the purpose of step advancement this term shall mean the date upon which the employee's most recent step advancement occurred.

**Examination** - An examination for a particular class which is open to persons meeting the qualifications for the class.

**Exempt Employees** - The City Manager, department heads, executive or professional staff, administrative technical staff, and others whose duties and responsibilities allow them to be "exempt" from overtime pay provisions as provided by the Federal Fair Labor Standards Act (FLSA) and any applicable state laws.

**Executive Employees** - All employees who report directly to the City Manager, including all department heads, Chief of Police, Assistant City Manager, City Clerk/Administrative Secretary, and Assistant to the City Manager.

**Extra-Help Employee** - An employee who is appointed to a position with less than year-round funding. Extra-help employees shall be compensated on an hourly basis and shall not be eligible for participation in any benefit plans except as required by law.

**Fiscal Year** - The fiscal year for the City begins on July 1 and ends on June 30 of the next year.

**Full-time Position** - A budgeted position in which an employee of the City who is regularly scheduled to work at least forty (40) hours per week and/or no less than two thousand eighty hours per year.

**Grievance** - The formal allegation made by an employee that the City, or one of its representatives has violated, misinterpreted, or misapplied the provisions of the Memorandum of Understanding and/or City personnel ordinances, guidelines and regulations, or administrative directives.

**Grievance Procedure** - The systematic means set forth in these personnel system rules Manual by which an employee may obtain consideration of a grievance.

**Job Description** - Description of duties, responsibilities, and minimum qualification requirements of the positions included in the class.

**Lay-off** - The separation of employees from the active work force due to lack of work or funds, or due to the abolition of positions by the City Council for the above reasons or due to organization changes.

**Leave of Absence** - An authorized absence from duty for a specified period.

**Memorandum of Understanding** - (M.O.U.) An understanding reached as a result of meeting and conferring on hours, wages, and working conditions in accordance with State law and City ordinances, resolutions and rules.

**Minimum Qualifications** - The minimum qualifications deemed necessary for a candidate to possess for selection to fill a vacancy and to maintain employment with the City.

**Oral Interview or Qualifications Appraisal Board** - Part of an examination conducted by a competent board to evaluate the candidate's education, experience, and general qualifications pertinent to the position for which examined.

**Overtime** - As defined by the Fair Labor Standard Act and in accordance with provisions of the M.O.U.'s .

**Part-time Position** - A position in which an employee of the City who is regularly scheduled to work less than forty (40) hours per week and/or less than two-thousand eighty hours per year.

**Performance Evaluation** - A review and evaluation of an employee's performance and capabilities in the employee's authorized position by the employee's immediate supervisor and/or other member of management at designated intervals and filed in employee's official personnel file; minimum of one evaluation annually.

**Personnel Officer** - The City Manager or an employee of the City designated by the City Manager as the personnel officer who is responsible for the Human Resources function of the City.

**Personnel System Guidelines Manual** - This group of personnel system guidelines concerning employment with the City of Lemoore.

**Personnel Records** - The official records of the City for each employee maintained by and in the Human Resources office, except records that may be required to be maintained in other locations.

**Position** - A specific office or employment provided by the budget, whether occupied or vacant, of limited term or regular, and requiring the performance of certain duties and responsibilities assigned or delegated by the appointing authority.

**Probationary Period** - A period from original date of hire to be considered an integral part of the examination, recruiting, testing and selection process during which an employee is required to demonstrate fitness for the position to which the employee is appointed by actual performance of other duties of the position.

**Professional Employee** - Management, supervisory and technical employees engaged in work requiring specialized knowledge and skills and as so designated by the City.

**Promotion** - The movement of an employee from a position of one class to a position in another class having a higher maximum salary rate, generally with an increase in duties and responsibilities over the employee's present class.

**Promotional Probationary Period** - The probationary period of an employee's service in a promotional position.

**Reclassification** - Modification of job title and corresponding salary range adjustment supported by an appropriate classification analysis prepared under the direction of personnel officer which identifies a change in level of difficulty or responsibilities between the existing job description and actual job duties.

**Reduction in Pay** - A temporary or permanent decrease in salary.

**Regular Employee** - An employee who has successfully completed the probationary period and has been retained as hereafter provided in these rules.

**Regular Position** - A budgeted position, the duties of which do not terminate at any stated time.

**Reinstatement** - The restoration without examination of a former regular employee to a classification in which the employee formerly served as a regular non-probationary employee within one year of separation from the City.

**Rejection** - The termination or demotion of an employee during a probationary period.

**Relative** - Father, Mother, Son, Daughter, Brother, Sister, Husband, Wife, Father-in-Law, Mother-in-Law, Son-in-Law, Daughter-in-Law, Brother-in-Law, Sister-in-Law, Step Parent, Step Child, Uncle, Aunt, Nephew, Niece, Grandfather, Grandmother, Grandchild.

**Relief of Duty** - The temporary assignment of an employee to a status of administrative leave with pay.

**Reprimand** - An oral or written notification to an employee regarding a censure made as a disciplinary action.

**Resignation** - Voluntary termination of employment by an employee, including the abandonment of the position.

**Salary** - The wages paid for services performed.

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**Salary Increase** - An increase in salary for a classification as a result of the meet-and-confer process and/or City Council action.

**Salary Plan** - A schedule of salaries and salary ranges for all classifications as adopted by the City Council.

**Salary range** - Categories which determine the minimum and maximum salary with appropriate steps for each employment classification.

**Seniority** - Precedence of one employee over another based on length of service within the classification, department, and City to be determined by continuous employment from the date of hire into a regular position.

**Separation** - The voluntary or involuntary end of City employment.

**Smoking** - Includes any lighted cigarette, cigar or pipe.

**Standard Work Week** - Beginning at 12:01 am Saturday through 12:00 midnight Friday, consisting of 40 hours.

**Step Increase** - A salary increase of one or more steps within the limits of the salary range established for a class.

**Supervisor** - A person having authority in the interest of the City to direct employees, or to adjust grievances, or effectively recommend any such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgement.

**Suspension** - The temporary separation, without pay, from service of an employee for disciplinary purposes.

**Temporary Position** - A part-time or full-time budgeted or non-budgeted position of limited duration.

**Termination** - Separation from City employment for disciplinary reasons or as a result of rejection during a probationary period.

**Transfer** - The movement of an employee within a department or between departments from one position to another position in the same class or another class having the same maximum salary.

**Vacancy** - An unfilled authorized position in the City of Lemoore employment.

**Work Shift** - The days of the week and the hours on each of those days that an employee is assigned to work on a regular basis.

**Y Rate** - A designated rate higher than the established maximum for the position. Employee is held at the designated level until pay structure adjustment brings employee within the maximum rate for the current job classification.

## **RULE 3 CLASSIFICATIONS**

### ***Section 3.1 Purpose***

The classification plan provides a complete inventory of all positions in the competitive service and an accurate description and specification for each class of employment. The plan standardizes titles, each of which is indicative of a definite range of duties and responsibilities, and has the same meaning throughout the service.

### ***Section 3.2 Classification Plan***

The personnel officer shall ascertain and record the duties and responsibilities of all positions in the City and shall recommend a classification plan for such positions. The classification plan shall consist of classes of positions defined by class specification, including the title. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same class, and that the same schedules of compensation may be made to apply with equity under similar working conditions to all positions in the same class.

### ***Section 3.3 Administration***

The City's classification plan is continually reviewed, based on the job analysis and utilized for decision making on compensation, selection, employee development, career advancement, and other personnel activities. The personnel officer shall ascertain and record the duties and responsibilities of all positions in competitive service, and make a recommendation of a classification for such positions.

### ***Section 3.4 Classification of Positions***

Each position shall be allocated to the appropriate class in accordance with the character, difficulty, and responsibility of its assigned duties. Positions in a single class shall be sufficiently similar to permit substantially the same level of skill, knowledge, ability, and other qualifications required of incumbents, same or similar selection method to select incumbents, and the same schedule of compensation.

### ***Section 3.5 Classification of New Positions***

All new full-time positions require City Council authorization. The personnel officer shall recommend the proper assignment of any new positions to a class in the classification plan or, when appropriate, create a new class. When a new position is created and is classified before it is occupied, such position shall be subject to review by the personnel officer after it is occupied to determine if the incumbent is performing the duties of the class.

### ***Section 3.6 Reclassification***

The classification plan may be amended from time to time. The assigned duties of positions which have been materially changed by the City so as to necessitate reclassification, whether new or already created, shall be allocated by the City Manager to a more appropriate class. Reclassification shall not be used for the purpose of avoiding restrictions concerning demotions and promotions, nor to effect a change in salary in the absence of a significant change in assigned duties and responsibilities. During the process of consideration, any recognized employee organization affected shall be advised. Amendments and revisions of the plan may be suggested by any interested party, including any recognized employee organization, and shall be submitted to the City Manager.

The City Manager may approve the reallocation of a position to different class or approve the creation of a new class whenever the duties of the position change materially. This may occur upon the recommendation of the

department head, or upon the request of an employee and with concurrence of the department head. When any change is made within a Department which significantly affects the duties and responsibilities of any position, the appointing authority shall report these facts in writing to the personnel officer. The personnel officer shall make a classification study of the duties and responsibilities and the relationship to other classes of positions. The personnel officer may study the allocation of any position in the Classification Plan and make recommendations to the City Manager for a change in class or the allocation to a more appropriate class. The department head shall be consulted before a classification study is begun in his or her department. Studies may be initiated in the following manner:

1. Written request, submitted by the department head, due to reorganization of a department caused by lack of funds, lack of work, or where the department reorganization would be for the betterment of the delivery of services.
2. Referral from the City Manager;
3. When possible authorization of a new position is indicated;
4. Regular, periodic maintenance of the Classification Plan or when the personnel officer identifies a need to study an existing position.

A change in classification on an occupied position shall affect the status of the incumbent in the following manner:

1. When a position is moved to a class with the same or higher salary range, the incumbent may retain the same status in the new class that was held in the prior class. The duties should have evolved over a period of time and be basically the same duties and responsibilities as were performed by the incumbent.
2. When a position is reallocated to a class in a related series with a lower salary range, incumbents may choose to retain the position by accepting voluntary demotion or may request a transfer, if available, for the class from which the position was moved. If neither of the foregoing is chosen, the normal layoff procedures will be followed.

### ***Section 3.7            Job Descriptions (Specifications)***

The personnel officer with the assistance of the department heads shall prepare written specifications for each class of positions. The specifications, when approved by the City Manager, shall constitute the official class specifications for the competitive service. The official copy of the specifications for each class shall be maintained in the personnel office and shall indicate the date of approval or last revision.

Each specification shall include the class title, a brief description of the scope, nature, and responsibility of the class, a description of the tasks or duties ordinarily performed in the positions allocated to the class; a statement of the minimum qualifications considered necessary for proficient performance of the work, including education, experience, training, knowledge, skills, physical characteristics, and any additional factors considered pertinent. Specifications are not restrictive. A department head may temporarily assign other related duties and responsibilities or otherwise direct the work of employees.

No persons shall be appointed to any position unless that person meets the minimum qualifications set forth in the currently approved class specification for that position or meets the permissible equivalency provisions of these rules.

### ***Section 3.8            Vacancies***

When a permanent vacancy occurs in an authorized position, the Appointing Authority may fill the vacant position, based on merit, with an existing employee. When the Appointing Authority deems it better not to fill the vacancy with an existing employee, the Appointing Authority may fill the vacancy, based on merit, with a person who is not an existing employee. The Appointing Authority may determine that it is in the City's best

interest to leave the position vacant.



## **RULE 4 APPLICATIONS AND APPLICANTS**

### ***Section 4.1 Announcement***

The personnel officer shall publish announcements which shall state the position title, salary, desired qualifications, when and where to file applications and other pertinent information. Employment standards stated in the announcement shall be those established for the class as approved by the personnel officer. All recruitments shall be publicized by posting announcements on the City Hall bulletin board, other work sites, and by such other methods as the personnel officer deems appropriate. The announcements should specify the following:

1. The title and salary range for the position;
2. The period during which applications for the recruitment will be accepted;
3. A brief statement concerning the duties of the position, and the selection process;
4. The examination process;
5. The knowledge, skills, and other job-related requirements for the position; and
6. Special conditions of employment.

Special recruiting shall be conducted, if necessary, to insure that all segments of the community are aware of the forthcoming examinations. All persons who complete applications for a position, within the immediate prior six-month period shall be included with the recruitment in accordance with these rules. Posting of the announcement copy on the City Hall bulletin board shall meet this requirement. Recruitment may be postponed or canceled by placing notice on the City Hall bulletin board and notifying applicants.

### ***Section 4.2 Recruitment Process***

The personnel officer shall schedule open or promotional recruitment based on vacancies or anticipated vacancies to meet the need in the competitive service. The personnel officer shall prepare, announce, and conduct examinations in accordance with guidelines provided herein.

1. Open Recruitment: Open recruitment may be scheduled when it is not practical to fill a vacancy by promotion or when specifically requested by the appointing authority, with approval of the City Manager. Open recruitment shall be open to all applicants who meet the minimum requirements for the position in accordance with these rules.
2. Promotional Recruitment: Promotional recruitments are open to all existing employees who hold the status of regular employee and meet the minimum requirements for the position in accordance with these rules. Each candidate must complete and submit an official application form in accordance with these rules. Employees shall be granted sufficient time, with pay if the examination occurs during regularly scheduled work hours, from duties to participate in City selection processes. Promotional recruitment may be opened to existing employees who have probationary, part-time status, interns, and those under training contract if deemed appropriate by the Appointing Authority.

### ***Section 4.3 Application Filing***

Each person participating in a scheduled selection process for employment shall have completed and filed an official application form for that recruitment. The official application form must be received by the personnel office no later than the date and time of the last filing deadline as published in the announcement. Each applicant must sign the application form certifying that all statements are correct. Persons applying for

positions must comply with the following conditions:

1. Meet the general conditions pertaining to filing applications for positions according to these rules.
2. Meet the specific requirements as shown on the announcement for a particular position;
3. Meet the right-to-work in the United States or citizenship requirement when applying for City positions; and
4. Be willing and able to accept the employment in the present vacant position or a future similar vacant position, if employment were offered.

Names of persons applying for City positions or the evaluation of their participation in any selection process shall not be made public. Applications will be accepted at all times.

Notice of ADA Compliance: If an applicant needs reasonable accommodation to submit an application or attend an examination as part of the hiring process, the applicant should make arrangements by contacting the Human Resource Office at City Hall. They can be reached by calling (559) 924-6700, or by mail at 119 Fox Street, Lemoore, CA 93245.

#### ***Section 4.4            Applicant Disqualification***

The personnel officer may eliminate from the selection process, remove from the eligible list, or refuse to certify for the personnel transaction, the name of any person:

1. Who does not meet the minimum qualifications established for the class or position to which they seek appointment;
2. Who has made a false statement, misrepresentation, or omission of material fact or actual or attempted deception, fraud or misconduct in connection with his or her application;
3. Who has improperly used or attempted to use any personal or political influence to further his or her eligibility for appointment;
4. Who has been terminated for cause from previous City employment.
5. Who has failed to submit a completed application correctly within the prescribed time limit;
6. Who has directly or indirectly obtained information regarding examinations to which applicants are not entitled;
7. Who has failed any part of the selection process for the same position within the last six months;
8. Who is physically or psychologically unfit for the performance of essential functions of the position and such unfitness cannot be reasonably accommodated;
9. Who is a relative, as defined in the definition of terms, of the person who would be supervising the particular vacant position or the department head of the department in which the vacancy currently exists;
10. Who has been convicted, including pleas of guilty and nolo contendere, of any felony or a misdemeanor which was of such a nature as to reflect adversely and substantially on the applicant's ability to perform the duties of the position. The City Manager may disregard such convictions of felonies or misdemeanors if it is found and determined by the City Manager that mitigating circumstances exist. In making such determination, the City Manager may consider the classification; the nature and seriousness of the offense; the circumstances surrounding the offense; the length of time elapsed since the conviction; the age of the person at the time of conviction; the presence or absence of rehabilitation or efforts at rehabilitation; contributing social or environmental conditions; and/or

11. Who has otherwise violated provisions of these rules.

Applicants with the least desirable qualifications among a large number of applicants may be denied further participation in the selection process through an evaluation of their qualifications, thus providing a reasonable number of the best qualified candidates for consideration.

Applicants disqualified from further participation in the selection process shall be promptly notified to permit submission of additional information providing the time limits for receiving applications has not expired. Notice shall be mailed to the last known address; it shall be the applicant's responsibility to keep his or her current address on file. Whenever an application is rejected, notice of such rejection shall be mailed to the applicant by the personnel officer.

#### ***Section 4.6            Submitting Applications***

Applications shall be made as prescribed on the examination announcement. Application forms shall require information covering training, experience, and other pertinent information, and may include certificates verifying such information. Applications must be signed by the person applying. Applications must be received by the personnel office no later than the date and time published as the final filing date. Applications unsigned by the applicant are considered incomplete.

#### ***Section 4.7            Application Disposition***

Completed application forms shall become the property of the City. They shall not be returned to the individual applicant. Applications filed through the selection process may be destroyed after a period of two years per the City's Records Retention Schedule.

#### ***Section 4.8            Nepotism***

No applicant will be selected for, trained, for, or retained in any position involving the direct or indirect supervision of or serve as a peer by any relative. For the purpose of this subsection, "relative" as defined in Rule 2.

## **RULE 5 EXAMINATIONS**

### ***Section 5.1 Nature and Types of Examinations***

The selection techniques used in the examination process shall be impartial and related to those subjects which, in the opinion of the Appointing Authority, fairly measure the relative capacities of the person examined to execute the duties and responsibilities of the class to which they seek to be appointed. Examinations shall consist of selection techniques which will test fairly the qualifications of candidates such as: personal interview, written examination, performance tests, work samples, physical agility tests, evaluation of training and experience, psychological tests, background investigation, or any combination of these or other tests. The probationary period shall be considered as a portion of the examination process. Examinations shall be designed to provide equal opportunity to all candidates by being based on an analysis of the essential requirements of the class, covering only factors related to such requirements.

1. Open Examinations: Examinations may be administered periodically for a single class as the needs of the service require. Names shall be placed on employment lists, and shall remain on such lists, as prescribed in Rule 6.
2. Promotional Examinations: Promotional examinations may be conducted whenever, in the opinion of the personnel officer and department head, and approval of the Appointing Authority, it appears that it may meet the needs of the selection process. Promotional examinations may include any of the selection techniques mentioned in this rule, or any combination of them. Employees who have regular status and meet the requirements set forth in the promotional examination announcement may compete in promotional examinations. Promotional recruitment may be opened to existing employees who have probationary and part-time status as deemed appropriate by the Appointing Authority.

### ***Section 5.2 Conduct of Examination***

The City Manager may contract with any competent agency or individual for the preparation and/or administration of examinations. In the absence of such a contract, the City Manager shall ensure that such duties are performed. Selection material shall be prepared under the direction of the personnel officer. The personnel officer may use examinations prepared by the contracted agencies or individuals when deemed appropriate. Qualified employees may assist in the development and administration of the selection process if requested by the personnel officer.

### ***Section 5.3 Scoring Examination and Qualifying Scores***

A candidate's score in a given examination shall be the total of his or her scores on each competitive part of the examination, weighted as determined for the selection process. Failure in one part of the examination may be grounds for declaring such applicant as failing the entire examination or as disqualified for subsequent parts of an examination.

### ***Section 5.4 Veteran's Preference Policy***

#### ***a. Purpose***

The purpose of this policy is to define Veteran's Preference and provide applicable guidelines.

#### ***b. Definition***

For the purposes of this section, a "veteran" is one who has served on active-duty in the United States Armed Forces for period of at least 91 continuous days and who has received an honorable discharge from active duty. The definition of the term "veteran" as used in this rule shall not include reserve or other inactive service.

Military veterans shall be given "preference in initial appointment to City service", in accordance with this policy. "Veteran's Preference" is only applicable on initial entrance into City service. The exercise of said veteran's preference shall be exhausted upon appointment to a regular position from an eligible list. The application of veteran's preference on any other recruitment shall not apply.

Veteran's Preference shall be given to applicants who receive a final passing score on an open recruitment and who qualify as veterans. Qualifying persons shall be eligible to receive an additional five points which will be added to their final examination score for certification purposes.

c. Policy

To receive veteran's preference, the veteran must meet the minimum qualifications established for entrance to the examination, and must attain a passing score in each phase of the examination.

Applicants who receive a passing score on an open recruitment and who are veterans, shall be eligible to receive an additional five points which will be added to their cumulative examination score for certification purposes. The passing score of a qualified veteran shall be annotated to indicate that the score should be increased by five points solely for the purpose of determining their ranking position in the eligibility listing.

Veterans who are in the process of separation from military service may file a written statement showing the anticipated date of discharge and certifying that the discharge is for honorable reasons. Such statements must be filed no later than the final filing date for the recruitment. The veteran being discharged shall be entitled to veteran's preference pursuant to this rule only if a certified copy of form DD-214, or other satisfactory proof of discharge, is filed with the human resources division prior to the date of certification for appointment. If such proof is not filed before the certification date, the veteran's position on the eligible list for certification purposes shall be determined on the basis of their raw scores on the examination without the additional preference points.

Veteran's documents submitted after the certification date will not be accepted.

d. Claiming Veteran's Preference

To claim veteran's preference, an veteran must fill out and submit the Veterans' Preference application form, along with a certified copy of their most recent form, (DD-214), or equivalent document acceptable to Human Resources, as evidence of military service, on or before the final filing date for the recruitment. Veteran's preference must be established separately for each recruitment. Failure to request veteran's preference on the application or to submit the required credentials (DD-214) prior to the final filing date for the recruitment will be deemed a waiver of veteran's preference.

**Section 5.5                      Notice of Examination Results**

Applicants shall be notified by mail concerning the results of their participation in the selection process. Said notification shall indicate whether or not the applicant has been placed on the employment list.

**Section 5.6                      Inspection of Tests**

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

**Section 5.7                      Record**

The record of each selection process shall be maintained by the personnel officer for the period of two years

per the City's Record Retention Schedule and shall include, the applicant's name and scores, method of testing, scores of the examination, and the names of the proctors.

***Section 5.8                      Selection Procedures***

The selection procedures shall be conducted under the supervision of the personnel officer and/or other appropriate staff.

***Section 5.9                      Exemption from Examination***

- a. A vacant position may be exempted from examination by the personnel officer if it is to be filled by the assignment of an individual who is not presently a City employee but is performing duties of the position as part of a designated Federal, State, local, or other rehabilitation training program. The training program must have job placement as a goal and the individual will be required to meet the minimum requirements for the position and have performed satisfactorily during the training period before probationary appointment may be authorized.
- b. Upon concurrence of the department head concerned, with approval of the City Manager, an employee may be placed in a vacancy in another class when a disabling condition prevents continuing performance of the duties in the present class. The disabled employee does not have to be on an employment list for the class to which the appointment is being made.

## **RULE 6 EMPLOYMENT LISTS**

### **Section 6.1      *Establishment of Employment List:***

As soon as possible after the completion of an examination, an employment list shall be certified by the personnel officer. Employment lists established shall be confidential; names and final scores shall not be made public information.

### **Section 6.2      *Types of Lists***

1. Open List: The names of qualified persons shall be placed on the list in rank order of their final score in accordance with Rule 5.
2. Promotional List: The names of qualified employees shall be placed in the rank order of their final score in accordance with Rule 5.
3. Reemployment List: See Rule 12.
4. Reinstatement List: Persons who had regular status, and who resigned or requested a voluntary demotion to a lower class, may request that their names be placed on the reinstatement list for the class from which they resigned or requested the voluntary demotion. They may request their names be placed on the list for that class, a comparable class, or a lower class with related duties and requiring similar qualifications as determined by the personnel officer. Department heads may choose to reinstate a former employee in preference to regular certifications of eligibles. See Rule 9.
5. Assignment/Transfer List: Persons desiring to transfer may do so, rules regarding employment list do not apply to assignment/transfer lists, in accordance with the provisions in Rule 9.

### **Section 6.3      *Duration of Lists***

An employment list shall be in effect from the date it is certified by the personnel officer. It shall remain in effect up to one year and will expire automatically at the end of the year unless the personnel officer, after review with the appropriate Appointing Authority, extends the list. An employment list may be extended for a period not greater than an additional year by the personnel officer when it appears to be in the best interest of the City. The personnel officer may abolish an employment list when fewer than five names remain on the list or when a certification of three active eligibles is not available. A second recruitment list may be created when 20 or less remain on the employment list at the discretion of the personnel officer. Active eligibles on an abolished list shall be given the opportunity to reapply for the classification or having their names integrated in the newly established list if the selection procedure has not changed, for a period not to exceed the life of the newly established list. Such integration may be granted only once for any list.

### **Section 6.4      *Removal of Names from Lists***

The name of an eligible may be removed from an employment list by the personnel officer:

1. For any cause in these rules deemed sufficient for disqualification of application or termination from employment;
2. On evidence that the eligible fails to respond to a notice mailed to the last designated address.
3. On receipt of a statement from the eligible indicating a lack of interest in the class or employment.
4. If an offer of an appointment to the class for which the employment list was established has been declined by the eligible, or if three certifications for appointment have failed to result in selection and appointment.

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5. If eligibles on a promotional list are separated from employment, their names shall be removed from the promotional list.

The person whose name is removed shall be notified of the removal of the name by a notice mailed to the last known address.



## **RULE 7 APPOINTMENTS**

### ***Section 7.1 Vacancies***

Whenever a vacancy exists or a vacancy is anticipated in the competitive service, the appointing authority shall at the earliest possible convenient date fill the position from an employment list.

### ***Section 7.2 Certification Order***

When more than one employment list is in existence for a class, certification shall be made in the following order:

1. Reemployment List;
2. Promotional List; and
3. Open, Reinstatement, and Transfer List.

If the City Manager does not consider it in the best interest of the City to fill the vacancy by reinstatement or transfer, or if it is not possible to fill the vacancy by reemployment, certification shall be made from an appropriate employment list, provided eligibles are available. In the absence of persons eligible for appointment in these ways, temporary appointments may be made in accordance with these rules.

When a department head requests a vacancy be filled by appointment from a promotional employment list or from an open employment list, the City Manager should certify the names of all individuals willing to accept appointment. The top three (3) to seven (7) names appearing on the employment list shall be certified for each vacancy. In the case of multiple vacancies the number of eligibles certified shall be at least two plus the number of vacancies. When the score of the final eligibles on a certification list are tied, all those having that score shall be certified.

The appointing authority may request a transfer and/or reinstatement list in lieu of, or in addition to, the open list. The appointing authority is entitled to review and receive the entire list of names from the reinstatement and transfer lists.

### ***Section 7.3 Short Certifications***

Whenever there are fewer than three names of eligibles on the highest priority list for a class, the next list in order of priority may be used to complete the certification. Whenever there are less than three eligibles on any list for a class, the appointing authority may make an appointment from among such eligibles available or may choose not to accept a short list and request a new list.

### ***Section 7.4 Appointments***

After receipt of certification, the appointing authority and/or department head shall proceed with a job-related interview. The appointing authority or a designated representative may review the application forms and examination papers. Reports on file in the personnel office and reference checks may be used prior to the actual offer of employment.

After the department head has interviewed, investigated and made a recommendation, the City Manager may make a conditional offer of employment, as provided in Section 7.6 of these policies. Appointments shall be made from the top three (3) to seven (7) among those certified. The person accepting appointment shall report to the personnel officer for processing before the date of hire.

When the selection has been made, the personnel officer shall notify the participating eligibles. Appointments

may be made as follows.

1. Acting: When there is no employment list and a position is temporarily vacant, a probationary or regular employee may fill a higher level class position and be compensated for the higher level work. This temporary appointment shall not jeopardize the employee's status in the former position. Acting appointments may be made in increments of up to six months.
2. Probationary: All appointments made from a certified employment list shall be on a probationary status as specified in Rule 8.
3. Regular: A probationary appointment becomes a regular appointment at the end of a satisfactory probationary period; see Rule 2.
4. Promotional: Vacancies may be filled whenever practical by employees who have regular or probationary status in lower classes and/or by employees with part-time status. Candidates for promotion must meet the minimum qualifications for the class. Appointment shall be made from established employment lists. Promotion to a new class requires successful completion of a probationary period in the new position to finalize the transaction.
5. Temporary: A temporary appointment may be made in order to fill a vacant position in the absence of an appropriate employment list or to fill a vacancy pending final action on proceedings or pending a final decision on the separation or return of employment of the employee creating the vacancy. An employment list shall be established as soon as possible for any regular position filled by temporary employment. A temporary appointment may be made by the appointing authority of a person meeting the minimum training and experience qualifications of the position.

Temporary appointments made are of a limited duration and are not eligible for benefits except as required by law. A temporary appointee may not accrue the same benefits as probationary employees. A temporary employee may be removed at any time without the right of appeal or hearing.

No temporary appointment shall exceed six months without a review of the existing vacancy and the approval of the City Manager. However, employees hired for a specific project may work as long as necessary to complete that project with approval by the City Manager. The extension of the duration of a temporary appointment beyond that originally contemplated will not affect that employee's appointment status. Seasonal employees are considered temporary employees.

Employees hired on a temporary appointment shall be notified in writing by the personnel office that the appointment is of a temporary nature. Employees appointed to temporary position shall not acquire probationary or regular status or rights. Time spent in a temporary position shall not contribute to the probationary period if the employee is subsequently appointed to the regular position.

6. Part-time: Part-time employees shall meet the minimum qualifications for the position appointed to. Part-time employees appointed to part-time positions may only be eligible for benefits as budgeted for in the current fiscal year. Part-time employees may not occupy a position without successful completion of the selection examination process.

Part-time employees are not entitled to the right of appeal, to fringe benefits, or to preference for, or right to, a regular position. Employees appointed to a part-time position shall not acquire probationary or regular status or rights. Time spent in a part-time position shall not contribute to the probationary period if the employee is subsequently appointed to a full-time position.

6. Under-filling: A position may be under-filled with a lower level qualified eligible from a lower level class or lower level related class when it can be shown that the prospective incumbent can perform the work to the satisfaction of the appointing authority. The incumbent may be promoted to the higher level upon meeting the minimum qualifications and performance standards for the class as defined under Rule 9.
7. Interim: An appointment made for an intervening period of time.

### **Section 7.5            *Emergency Appointment***

For the purpose of this policy, appointment of a person not on an employment list, may be made under one of the following conditions only:

1. There is no existing employment list for the classification and the department head has documented the urgent need to fill the position before a regular recruitment could be concluded and the City Manager approves use of an emergency appointment; or
2. The eligibility list contains three or fewer names and the department head has filed written objection to the employment of each person on the list with the City Manager and the department head has documented the urgent need to fill the position before regular recruitment could be concluded and, the City Manager approves use of an emergency appointment; or
3. Persons on the list are not available for the position under the terms and conditions prescribed by the personnel officer and the department head has documented the urgent need to fill the position before regular recruitment could be concluded and, the City Manager approves use of a provisional appointment.

Emergency appointees must meet the minimum requirements for the position to which appointed or demonstrate reasonable attainment thereof.

### **Section 7.6            *Offer of Employment***

Offers of employment shall be extended to selected candidates only by the personnel officer, City Manager, or his/her designee. Employment offers for all positions shall be made in writing and shall include starting salary on an hourly, weekly or monthly basis. An employment offer made in terms of annual salary shall not imply a yearly contract.

All appointments shall be classified in one of the categories discussed in Section 7.4 of these guidelines and are defined as exempt or non-exempt for overtime pay. Employees will not change from part-time or temporary status to another status unless specifically informed of such a change, in writing, by the personnel officer. Employees will not change from exempt to non-exempt status pursuant to the Fair Labor Standards Act (FLSA) unless specifically informed of such a change, in writing, by the personnel officer. Employees are referred to as exempt means that these employees are exempt from (and therefore should not receive) overtime pay. All offers of employment shall be made on such conditions as deemed necessary by the personnel officer, City Manager, or his/her designee.

### **Section 7.7            *Fingerprints***

As a condition of employment, the City Manager may require a person seeking employment by the City to be fingerprinted prior to beginning employment or immediately thereafter. Refusal of an employee to be fingerprinted or failure to report for fingerprinting shall be sufficient cause for disqualification for employment or termination from employment. The personnel officer shall establish and maintain a system for fingerprinting of employees and is hereby authorized to implement procedures necessary for the administration of this section. Should fingerprinting be required all records shall be maintained per the California Department of Justice requirements. The fingerprint cards for law enforcement applicants shall be processed immediately.

### **Section 7.8            *Legal Authority to Work***

Each applicant must attest to his or her legal authority to work and identity on an I-9 Form provided by the federal government. "This verification must be completed as soon as possible after an offer of employment is made and in no event more than three (3) business days after an individual is hired. All offers of employment and continued employment are conditioned on furnishing satisfactory evidence of identity and legal authority to work in the United States."

### **Section 7.9            *Medical Examination***

Following a conditional offer of employment, prospective employees may be required to complete a job related pre-placement physical and/or psychological examination. Conditional offers of employment are made contingent upon passing this examination; however, the City shall make reasonable accommodations to the special needs of any disabled individual as required by law. Such examination shall be performed by a licensed physician or other qualified medical examiner chosen by the City without cost to the prospective employee. The prospective employee shall be required to complete a medical history questionnaire and a medical records release as necessary to facilitate the examination. The examiner will indicate the employee's fitness for employment on the examination form. In the event that the required examination(s) are not completed prior to the employee's scheduled start date, only a tentative appointment may be made. Final appointment will be contingent on satisfactory examination(s).

Depending on the job-related physical characteristics required, a medical examination may be required for:

1. Entering employees;
2. Employees seeking a transfer from one position requiring general physical abilities to another position requiring physical abilities of an industrial nature; and
3. Employees returning to work from a medical leave of absence. The qualified medical examiner conducting the medical examination shall be supplied with a current job description indicating the job-related duties and requirements of the position.
4. Employees returning to work from an extended administrative leave of absence. The qualified medical examiner conducting the medical examination shall be supplied with a current job description indicating the job-related duties and requirements of the position.

The results of all medical examinations shall be confidential. Examination results for entering employees and employees transferring to another position shall be kept in the employee's medical file. No employee shall hold any position in which the employee is not able to perform the essential functions of the job. The City may require that employees take a psychological or a medical examination as it deems necessary in order to determine employees to be mentally and physically capable of performing the job without a significant risk to the health or safety of themselves or others.

### ***Section 7.10      Drug Testing***

Following a conditional offer of employment, all prospective employees shall be required to complete a pre-placement drug test. Conditional offers of employment are made contingent upon passing this test. A urine sample must be submitted by perspective employee and will be collected at a licensed facility, chosen by the City without cost to the prospective employee. Failure to comply with the drug testing requirement shall be considered as failure of the drug test. In the event the drug test is not completed prior to the employee's scheduled start date, only a tentative appointment may be made. Final appointment will be contingent on passing the drug test.

Employees with the City of Lemoore holding a commercial driver's license for the performance of City duties are required to participate in the Ongoing Drug Testing program, as prescribed by federal and/or state law.

### ***Section 7.11      Driver's License and Driving Record***

All City employees who will be driving City vehicles or driving their own private vehicles on City time or business will be enrolled in the DMV's employee pull notice program. This program allows the City to receive a driver record report at least once every twelve months or when any conviction, failure to appear, accident, driver's licenses suspension, revocations or any other action is taken against the employee's driving privilege during employment. Anytime an employee's license is jeopardized (i.e. through suspension, revocation, or pending civil or criminal proceedings), the employee must immediately report such status to his/her department head and the Human Resources office. Having one's privilege to operate a motor vehicle on the

public highway in the State of California suspended or revoked by the Department of Motor Vehicles may result in disciplinary action. All City employees will abide by the City's Vehicle Use Policy.

***Section 7.11        Selective Service Requirements***

Every Male, who is at least 18 but not yet attained the age of 26 years old, shall submit documentation evidencing his registration with the Federal Selective Service System. Those in this age range offered employment with the City shall be prohibited from employment until such time as the required documentation is submitted.

***Section 7.12        City Property***

Keys to City facilities will be issued to employees so designated by the City Manager. Keys are the property of the City and shall be surrendered to the City upon demand or upon separation from employment and prior to receiving payment of salary due at separation. Employees shall be required to immediately report lost or stolen keys to the personnel officer.

All property issued to the employee belonging to the City shall be surrendered to the City upon demand or upon separation from employment and prior to receiving payment of salary due at separation. The final salary due may be adjusted for failure to return issued property.

## **RULE 8 PROBATIONARY PERIOD**

### ***Section 8.1 Purpose***

The probationary period is the final step in the selection process. It is an extension of the examination process and the employee's performance shall be closely observed for securing the most effective adjustment of a new employee to his or her position.

### ***Section 8.2 Duration of Probationary Period***

Each original and promotional appointment made to a position in the competitive service shall be subject to a probationary period. The length of the probationary period shall be six (6) months of service for all employees, except that the probationary period for the class of police officers and others so designated, shall be twelve full months of service. The probationary period shall not include time served in any employment capacity except that of a regular full-time position. The probationary period may be for a longer period of time as established in the job description.

### ***Section 8.3 Successful Completion of Probationary Period***

The Personnel officer shall notify the department head two weeks prior to the end of any probationary period. If the employee's performance has been satisfactory to the department head and advancement to regular status is warranted, the department head shall so state in the employee's probationary performance evaluation report. The employee shall then be advanced to regular status on his or her anniversary date.

A successful evaluation is one where the performance of the employee, as rated by his or her supervisor, must have an average rating of competent/standard or higher in the areas rated. Examples: An evaluation which rates the employee as unsatisfactory in two rating areas, competent in three rating areas, and outstanding in one rating area would have an average rating below competent, and therefore would not be eligible for a merit pay step increase. An evaluation which rates the employee as outstanding in two rating areas and competent in four rating areas would have an average rating above competent, and therefore be eligible for a merit pay step increase.

### ***Section 8.4 Rejection of Probationer***

During the probationary period, an employee is considered at will and may be rejected at any time by the City Manager (may be at the recommendation of the department head) for failure to satisfactorily complete the probationary period. Notification of rejection by the City Manager shall be served on the probationer. If an employee is rejected prior to the completion of the probationary period, no specific reason for rejection shall be given to the employee.

### ***Section 8.5 Rejection Following Promotion and Voluntary Transfer***

A promoted employee who does not successfully complete a probationary period shall be restored to the same or similar position in the same class from which promoted unless charges are filed and employee is terminated in the manner provided for in these rules.

### ***Section 8.6 Demotion and Disciplinary Probationary Period***

A new probationary period shall be required following demotion or discipline procedure. When an employee transfers or demotes from one department or division to another department or division, a new probationary period shall be served in the latter department and is subject to Section 8.4.

**Section 8.7            *Reemployment and Reinstatement Probationary Period***

Persons appointed to positions by reemployment must serve a new probationary period, unless the appointment is to the same class in the same department where a probationary period has been previously served. Persons appointed to positions by reinstatement must serve a new probationary period. No credit for former employment shall be granted.

**Section 8.8            *Interrupted Probationary Period***

When the probationary period of an employee is interrupted because of a leave of absence or appointment to another class and the employee later returns to the former class in the same or a different department, a new probationary period shall be served. Credit for all or part of the previous probationary period may be granted the employee by recommendation of the department head, and approval by the City Manager.

## **RULE 9 TRANSFER AND PROMOTION**

### **Section 9.1      *Transfer***

1. The City may initiate employee transfers when the transfer is in the best interest of the City. City initiated transfers to a vacant position shall not serve the required probationary period in accordance with Rule 8. Upon approval of the City Manager, an employee may be transferred by the department head at any time from one position to another position in a comparable class where the salary range is the same, involves the performance of similar duties and requires substantially the same basic qualifications. However, the employee must meet the minimum qualifications established for the position being transferred to. The employee shall be consulted prior to any transfer. Any employee who is transferred from one position to another position in the same or similar class shall be compensated at the same step and salary range the employee received in the previous position. The salary anniversary date shall not change.
2. An employee's request for transfer to another type of work or department normally will be considered only after successful completion of the probationary period. Employees requesting a transfer shall submit a City Application and memorandum to the City Manager detailing the request for transfer and reasons for the request. Upon receipt of the transfer request, the City Manager will notify the employee's department head. Job performance, qualifications, attendance and other legitimate factors shall be evaluated to ensure the most effective use of the employee's capabilities in evaluating the transfer request. When the foregoing factors are substantially equal, transfers shall be determined by City seniority. Employees transferred to a vacant position at their request **shall** serve a new probationary period in accordance with Rule 8.
3. If the transfer involved a change from one department to another, both department heads must consent thereto unless the City Manager orders the transfer.
4. Transfer shall not be used to effectuate a promotion or demotion, each of which may be accomplished only as provided in the personnel ordinance or these rules. Transferred employees may appeal the transfer within five (5) days to the City Manager whose decision is final.

### **Section 9.2      *Promotion***

It is the policy of the City, to fill authorized vacant positions based on merit and to provide promotional opportunities for qualified employees. If, in the opinion of the City Manager, it is in the best interest of the City, a vacant position may be filled by an open examination instead of promotional examination.

Qualification standards used in promotion shall be at least equal to competitive standards and evaluation methods shall be reasonable, applied with fairness and equity to all candidates, and developed with the intent of obtaining the highest degree of validity and reliability possible under the specific circumstances. Minimum qualifications may be ascertained from job analysis, application forms, tests, examinations, interviews, and/or performance evaluations.

All full-time, regular employees meeting the qualifications standard of a higher grade position under the same or different job classification may be considered for promotion. Employees who have not yet successfully completed the probationary period for their current position are not normally eligible for promotional consideration, nor are temporary or part-time employees.

Employees interested in promotion to a vacant position for which they are qualified shall submit an employment application to the personnel officer. Procedures to apply for promotion shall be governed by Rule 4 of these Personnel System Guidelines.

Promotional offers shall be extended to selected candidates only by the personnel officer. Employment offers for all promotional positions shall be made in accordance with Rule 7 of these Personnel System Guidelines. Employees selected for promotion shall be released from the old positions promptly.



Employees promoted shall receive at least the entrance rate of the new salary range or a five percent (5%) increase, as determined by the department head, however, no employee shall advance above the maximum of the salary range of the new position.

### ***Section 9.3            Reinstatement***

With the approval of the City Manager, a regular employee who has resigned with a good record may be eligible for reinstatement to his or her former position or to a position requiring similar skill and in similar pay grade providing all of the following criteria are met:

1. There is a vacancy in the position for which the employee seeks reinstatement.
2. The request for reinstatement is received within one year from the date the employee resigned.
3. The former employee is able to perform the essential functions of the position with reasonable accommodation.
4. Performance evaluation history at the time of resignation was satisfactory or better.
5. The former employee provided at least two (2) weeks notice upon resignation unless mutually waived.
6. The City Manager approves the reinstatement request prior to the appointment.

Former employees shall have no right to reinstatement and such reinstatement shall be at the sole discretion of the City Manager. Upon reinstatement, the employee shall be subject to the probationary period prescribed for the class. No credit for former employment shall be granted in computing salary, vacation, sick leave or other benefits.

Reemployment of laid-off employees shall be done in accordance with Rule 12. Reinstatements of individuals returning from military leave shall be done in accordance with the Military and Veterans Code of California.

## **RULE 10 DISCIPLINARY PROCEDURES**

### ***Section 10.1 Policy***

The City's policy on disciplinary actions is founded on the premise that the actions are to be corrective, and any disciplinary actions should reinforce and shape employee behavior in the reasonable and necessary direction actualizing the City's goals. Discipline shall be administered in a fair and consistent manner and without regard to gender, gender identity, sexual orientation, race, color, ancestry, religious creed, disability, medical condition, age, marital status, or any other protected class under applicable law.

The tenure of every employee employed shall be based on reasonable standards of personal conduct and job performance. Failure to meet such standards shall be grounds for appropriate disciplinary action. Disciplinary actions should be progressively more severe, and shall be commensurate with the seriousness of the offense and with due consideration of the employee's prior performance record. However, the response for certain first-time, serious offenses may not be the action usually prescribed as an initial step in the normal progressive discipline process. A serious offense may call for immediate relief of duty pending further investigation or termination. All suspensions, demotions, reductions in salary for a specified time period, and terminations of persons with regular status shall be made according to these rules. Employees who serve at the pleasure of the City Council or other appointing authority are not covered by the provisions of this rule.

### ***Section 10.2 Basis for Disciplinary Actions***

- A. **Regular, Non-Executive Employees** - The Department Head or appointing authority shall have the power to reprimand, demote, reduce pay, suspend, or terminate regular employees (except for executive employees) for cause, provided that exempt employees shall not be subject to suspensions, reductions in pay or other disciplinary action that would eliminate their salaried status or otherwise adversely affect their exempt status under the Fair Labor Standards Act. Alleged employee actions reported by appointing authorities which may result in disciplinary actions shall be investigated to their conclusion by the department head directly responsible for said employee. The employee shall be so notified and receive all due process as defined in these rules. If the investigation results in proposed disciplinary action, the normal chain of command and procedures shall be used in rendering said discipline. Department heads shall discipline only those employees in his or her department. In the absence of a regular department head, his or her designee, the Assistant City Manager or personnel officer may investigate and render discipline for said department in accordance with the procedures set forth in these rules.
- B. **Executive Employees** - The City Manager shall have the power to reprimand, demote, reduce pay, suspend, or terminate executive employees for cause, provided that exempt employees shall not be subject to suspensions, reductions in pay or other disciplinary action that would eliminate their salaried status or otherwise adversely affect their exempt status under the Fair Labor Standards Act. Alleged employee actions reported by appointing authorities which may result in disciplinary actions shall be investigated to his or her conclusion by the City Manager. The employee shall be so notified and receive all due process as defined in these rules. If the investigation results in proposed disciplinary action, the normal chain of command and procedures shall be used in rendering said discipline. In these instances, the City Manager shall be considered the appropriate Department Head and his or her duties shall be those of the department head as outlined in this Rule.

Basis for disciplinary actions include, but shall not be limited to, the reasons listed below and in accordance with procedures listed in these rules:

1. Failure to meet work performance standards and requirements; unsatisfactory or careless work; failure to meet production or quality standards as explained by employee's supervisor; or mistakes due to carelessness or failure to get necessary instructions.
2. Discourteous or disrespectful treatment of other employees, customers, suppliers, or visitors.

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3. Insubordination or refusal to obey supervisor's instructions properly issued pertaining to work; refusal to perform assigned work; or to follow a direct order;
4. While on duty or in uniform, willful or negligent disobedience of any law, ordinance, rule or regulation, or superior's lawful instruction.
5. Refusal to work in a safe manner or failure to use provided safety equipment if safety equipment is required.
6. Failure to maintain a neat and clean appearance in terms of the standards established by the employee's supervisor; or unsafe clothing.
7. Excessive use of City telephone for personal calls.
8. Posting, removing or altering notices on any bulletin board on City property without permission of an officer of the City.
9. Conducting an unlawful lottery or gambling on City premises.
10. Misappropriation or damage of public property or waste of public funds or property through negligent or willful misconduct.
11. Absence without approved leave; leaving work station during work hours without supervisor's permission, except to use the rest room; leaving work before the end of a workday or not being ready to work at the start of a workday without supervisor approval; or stopping work before time specified for such purposes.
12. Failure to report an absence or late arrival; excessive absenteeism; or tardiness.
13. Practicing deception or fraud in the securing of a job appointment or promotion.
14. Falsification or misrepresentation of a relevant official statement, document, report or records, and employment application, including the omission of information in an attempt to deceive or mislead.
15. Misappropriation of found property; theft of City property or the property of other employees; unauthorized possession or removal of any City property, including documents, from the premises without prior permission from management; unauthorized use of City equipment or property for personal reasons; or using City equipment for profit.
16. Giving confidential or proprietary City information to other organizations, to unauthorized employees, or to anyone whom issuance of such information has not been authorized; breach of confidentiality of personnel information; or removing the contents of any official record, report, document or other written matter, current or completed.
17. Lying about sick or personal leave; falsifying reason for a leave of absence or other data requested by the City; or alteration of City records or other City documents.
18. Failure to use or alteration of time cards, attendance documents or other records; altering such records of another employee, or causing someone to alter such records which is considered theft of time.
19. Neglect of duties.
20. Being intoxicated or under the influence of intoxicants, drugs or narcotics while at work; or use, possession or sale of such in any quantities while on City premises except medications prescribed by a physician which do not impair work performance.

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21. Possessing or using alcohol in City offices or facilities, or being present at work under the influence of same, except with prior written permission from the City Manager.
22. Smoking in any public building or City vehicle, smoking in any area where it may cause a safety hazard, or any other area prohibited by law.
23. Improper withdrawal or limitation of service or any action that interferes with or is disruptive of the City mission or the public service.
24. Incompetency.
25. Inefficiency.
26. Dishonesty.
27. Use of coarse, obscene, or profane language or gestures to any other employee or the public; indifference or rudeness towards the public or any other employee.
28. Sleeping while on duty; or loitering or loafing during working hours.
29. Improper political advocacy while on duty or in City uniform.
30. Unauthorized possession of dangerous or illegal firearms, weapons or explosives on City property or while on duty; or displaying or brandishing any firearm or weapon, whether in jest or otherwise, in any manner which can be construed as careless, threatening or dangerous manner, except in the performance of official duties.
31. Receiving or accepting, directly or indirectly, any money, gift, reward, service, gratuity, favor, hospitality, loan or other consideration for any service or official action rendered by the employee, without first securing the written permission from the City Manager.
32. Use of influence of position with the City for private gain or advantage, or the use of time, facilities, equipment or supplies for private gain or advantage.
33. Engaging in an act of sabotage; willfully or with negligence causing the destruction, damage, loss or misuse of City property, or the property of any employees, customers, suppliers, or visitors in any manner; or the failure to immediately report damage, loss or an accident involving City equipment.
34. While on duty or in uniform, negligence or any careless action which endangers the life or safety of another person; willful violation of security or safety rules or failure to observe safety rules or safety practices; failure to wear required safety equipment; or tampering with safety equipment or other devices.
35. Fighting or horseplay or provoking a fight while on duty.
36. Conviction of a felony or conviction of a misdemeanor involving moral turpitude. The word "convicted" shall be construed to mean a plea of guilty or nolo contendere regardless of whether sentence is imposed by the court. The term "moral turpitude" shall be construed to be any act of baseness, vileness, or depravity, or any act done contrary to justice, honesty, modesty, or good morals, or any act done with deception or through corrupt motives.
37. Engaging in criminal conduct or acts of violence, or making threats of violence toward anyone on City premises or when representing the City;
38. Threatening, intimidating or coercing other employees on or off the premises - at any time, for any purpose; whether verbal, written or any other manner.
39. Immoral conduct or indecency on City property; or failure to exhibit acceptable behavior during duty

hours such that the employee's ability to perform his or her duties is impaired.

40. Refusal to take and subscribe any oath or affirmation which is required by law in connection with employment.
41. Unlawful discrimination, including harassment, on the basis of sex, sexual orientation, race, color, ancestry, religious creed, handicap or disability, medical condition, age (over forty), marital status, or any other protected class under applicable law, against the public or other employees while acting in the capacity of an employee.
42. Violation of the City's Computer and Internet Policy.
43. Any violation of these personnel system rules or officially promulgated City rules, regulations or policies.

### **Section 10.3      *Types of Discipline***

The following procedures shall be followed when, in the judgment of the department head or his or her designee, an employee has committed an act or omission that justifies the disciplinary action indicated. Disciplinary actions may range from informal conversations to formal termination. A typical progressive sequence of disciplinary actions used by the City is:

1. Counseling: The immediate supervisor usually counsels the employee. Counseling in a broad sense includes any discussion with an employee designed to assist the employee to fully develop his or her skills and abilities. The discussion may include, but shall not be limited to, clarifying standards, setting expectations and areas of concern, seeking information, or problem solving. Counseling is usually the action taken to assist the employee in clarifying the need for improvement.

To provide both the supervisor and employee with a permanent record of a counseling, a written memo may be sent to the employee to clarify verbal agreements and possible behavior change. No record of the counseling is placed in the employee's permanent personnel file unless disciplinary action of at least a written reprimand is later issued on the same problem.

2. Oral reprimand: The oral warning verbally notifies the employee that his or her performance or behavior must be improved. Oral warnings are given by supervisors when counseling has failed to produce the desired changes.

The warning shall define the areas in which improvement is required, set goals leading to this improvement, and shall inform the employee that failure to improve will result in more serious action. To provide both the supervisor and employee with a permanent record of a specific violation, a written memo may be sent to the employee confirming the conversation. The memo shall state the offense and consequences if corrective action is not taken. No record is placed in the employee's permanent personnel file unless subsequent action is necessary.

3. Written reprimand: A written warning is a formal notice to an employee that further disciplinary action will be taken unless the employee's behavior or performance improves.

The content of the written warning shall define what occurred, the date and time of event which is the cause of the reprimand, what was violated by the employee, what the employee is directed to do to correct the situation, and the employee's rebuttal process. The written reprimand shall be signed by the employee's supervisor or department head, countersigned by the employee, and filed with the personnel officer. If the employee refuses to sign, it shall be noted as such on the memorandum. When the written warning is issued, the employee shall receive one copy with both signatures affixed and a copy placed in the employee's permanent personnel file. The employee shall be granted thirty (30) working days after the date of the written warning to file a written response to any facts in question. This written answer shall also be placed in the employee's permanent personnel file. Written reprimands issued by the appointing authority are without right of appeal.

4. Probationary Status, Suspension, Demotion, Reduction in Pay, Termination: Disciplinary action against an employee shall be initiated by the department head with a written notice of the intended disciplinary action delivered to the affected employee personally or sent to the employee by certified or registered mail, at the last known address, return receipt requested. The notice of proposed disciplinary action shall be delivered to the affected employee five (5) working days prior to the proposed effective date of the disciplinary action.

A copy of the proposed disciplinary action shall be filed with the personnel officer. The department head may consult with the City Attorney and the personnel officer prior to giving notice to the employee of the proposed disciplinary action. All regular employees shall have the right to disciplinary due process procedures as outlined in these guidelines. Peace Officers shall also be entitled to the procedural and other protection contained within the Public Safety Officer Procedural Bill of Rights. Probationary employees shall have no right of appeal but may file a written response to the facts in question. This written response shall be placed in the employee's permanent personnel file.

#### **Section 10.4      *Written Notice***

Written notice of the proposed disciplinary action (Probationary Status, Suspension, Demotion, Reduction in Pay, or Termination) shall be given to the employee, except probationary employees. Such notice shall include:

1. A statement which clearly defines the intent to take action, the proposed action to be taken, and the effective beginning and ending time of intended action.
2. A statement of the specific grounds and particular facts upon which the proposed disciplinary action will be taken.
3. A statement that the employee will be provided with any known written materials, reports, or documents upon which the intended action is based.
4. A statement that the employee will be afforded the right to respond, either orally, in writing, or both within five (5) working days after receipt of the intended disciplinary action, to the Department Head issuing the proposed discipline.
5. The employee's signature on the notice of intent to render discipline shall acknowledge receipt of said notice by the employee. If the employee refuses to sign, it shall be noted as such on the notice of intent to render discipline. The signature documentation on said notice shall acknowledge that the employee received the notice.

#### **Section 10.5      *Employee Review***

The employee shall be mailed or given a copy of the documents or materials upon which the proposed disciplinary action (Suspension, Demotion, Reduction in Pay, Termination) is based.

#### **Section 10.6      *Employee Response***

Within five (5) working days after the employee has received the documents and materials as provided above, the employee shall have the right to respond, orally or in writing, at the employee's option, to the department head concerning the proposed action (Probationary Status, Suspension, Demotion, Reduction in Pay, Termination). This response opportunity is known as the "Skelly" hearing.

If, within the five (5) working days response period, the employee does not indicate a desire to participate in the pre-disciplinary Skelly hearing, the proposed action of the City should be considered conclusive and shall take effect as prescribed. Failure to respond within five (5) working days after receipt of said notice shall forfeit the employee's further right to challenge or appeal the discipline imposed.

If, as a result of the employee's response, the Department Head decides to modify the proposed action, the Department Head's decision shall be imposed, as modified. If the Department Head decides not to take disciplinary action, he or she shall advise the employee. Unless the Department Head decides to modify the intended discipline, the discipline shall be issued on the date so stated in the notice of intent.

### **Section 10.7      *Suspension***

The Department Head may suspend an employee from a position at any time for a disciplinary purpose. Suspension without pay shall not exceed ten (10) consecutive working days, nor shall any employee be disciplined by suspension without pay for more than thirty working days in a fiscal year.

### **Section 10.8      *Relief of Duty***

The Department Head may, orally or in writing, cause the temporary assignment of an employee to a status administrative leave with pay, pending conduct or completion of such investigations or opportunity to respond as may be required to determine if disciplinary action to be taken. In the event of an oral notice, the Department Head shall confirm the action by giving the employee written notice. When the investigation is completed and if the facts do not justify discipline, the employee shall be reinstated. The employee shall receive written notice of reinstatement, a copy of which shall be retained in the employee's permanent personnel file. If the investigation justifies discipline, the employee shall be so as provided in these rules.

### **Section 10.9      *Demotion***

A Department Head may demote an employee whose ability to perform the required duties falls below standard, or for disciplinary purposes. No employee shall be demoted to a position who does not possess the minimum qualifications.

Demotion is the removal of an employee from his or her present position to a lower paying position or salary step. A department head may demote an employee for any of the following reasons:

1. If an employee's job-related performance is not in accordance with the standards of his or her position.
2. At the request of an employee, provided the employee possesses the minimum qualifications for the demoted position.
3. Failure to meet the job-related standards of a promotional probation.
4. For disciplinary actions.
5. For displacement.

Employees requesting a voluntary demotion shall submit a memorandum to the City Manager detailing the request for voluntary demotion and reasons for the request. Upon receipt of the request for voluntary demotion, the City Manager will notify the employee's department head. If the request for voluntary demotion involves a change from one department to another, both department heads must consent thereto unless the City Manager orders the demotion. Employees demoted at their own request shall be placed at the same step unless another step is mutually agreed to. If the employee who has requested demotion fails to perform satisfactorily during the probationary period, the employee may be terminated as a probationary employee in accordance with Rule 8. If the employee has held regular status in the classification to which he or she is voluntarily demoted, probation can be waived upon approval of the City Manager.

### **Section 10.10      *Reduction in Pay Step***

Disciplinary action to reduce an employee in pay, by way of lowering the pay step, such as from step c to step b, may be initiated by the department head. The disciplinary action procedures described in these rules shall be followed.

**Section 10.11      *Purging of Employee Discipline Records***

Only written reprimand records may be expunged upon sustained corrective behavior after one year. The employee wishing to have written reprimand records purged shall make a written request to the City Manager. The City Manager shall consult with the employee's department head to substantiate that corrective behavior has been sustained for the one year period, and to determine whether expunging the record is appropriate.

**Section 10.12      *Termination***

Disciplinary action to terminate an employee shall be initiated by the department head. The intended disciplinary action procedures described in these rules shall be followed. Termination for reasons other than disciplinary actions are covered under Rule 13. Department heads may consult with the City Attorney. Employees may be rejected without cause or without right of appeal at any time during an initial probationary period, during the probationary period for a voluntary demotion, or any extension thereof. Rejections occurring during the probationary period shall be initiated by the department head. Rejected probationary employees shall not be eligible for prior notice of termination. A department head may terminate regular employees for cause, including, but not limited to, unsatisfactory job performance. All employees of the City shall be terminated in accordance with applicable provisions of these rules. Employees terminated in accordance with these rules shall forfeit all employee benefits except benefits to which the employee is statutorily entitled or otherwise entitled under these rules or an applicable M.O.U.

**Section 10.13      *Appeal***

- A. Regular, Non-Executive Employees** - All regular employees shall have the right to appeal termination, demotion, suspension without pay or reduction in pay, to a hearing before a mediator appointed by the State of California Mediation and Conciliation Service. This may be done by filing a written request with the City Manager within five (5) days of the imposition of such discipline. The mediator will then hear the case and make recommendations to the City Manager. The City Manager is free to uphold the original discipline, or change the discipline to that recommended by the mediator, or alter the disciplinary means in some way, but no more severe than originally proposed. The decision of the City Manager is final.
- B. Executive Employees** – Executive Employees shall have no rights to appeal. The discipline rendered by the City Manager is final.



## **RULE 11      Grievance Procedure**

### **Section 11.1      *Purpose***

In the belief that the resolution of grievances is a constructive management action, a grievance procedure is hereby established. Such a procedure will give regular employees assurance that the City recognizes their right to be heard and assist them in achieving job satisfaction. The purpose of this procedure is to provide a just and equitable method for the resolution of grievances or complaints without prejudice.

All employees have the right of appeal under the grievance procedure, except those specifically excluded by Council resolution.

The grievance procedure is not intended to be the appeal process of disciplinary action. Appeal of disciplinary action is defined under Rule 10 of The Personnel System Guidelines.

### **Section 11.2      *Eligibility to File a Grievance***

A grievant is a regular employee who is personally affected by an act or omission that occurred no more than 14 calendar days prior to the initiation of the grievance, provided that the act or omission comes within the definition of "grievance" as described herein.

### **Section 11.3      *Definition***

Subject to the exclusions listed in this Resolution, a grievance is defined as any dispute that: (1) is job-related; (2) is wholly or partially within the purview of the City to rectify or remedy, (3) concerns terms and conditions of employment, (4) involves the interpretation, application, or alleged violation of the Personnel System Guidelines, City policies or procedures, or a current Memorandum of Understanding (MOU) between the City and a recognized employee organization representing City employees, and (5) is not subject to any other City dispute resolution process or procedure that is provided by statute, ordinance, resolution or agreement.

### **Section 11.4      *Exclusions from the Grievance Procedure***

The following matters are excluded from the definition of "grievance":

1. Requests for changes in wages, hours, or working conditions, including any impasse or dispute in the meet and confer process or matter within the scope of representation.
2. Requests for changes in the content of employee evaluations or performance reviews, oral or written warning, reprimands or counseling, memos;
3. Challenges to the decision to reclass, layoff, transfer, deny reinstatement, or deny a step or merit increase;
4. Challenges to any disciplinary action; and
5. Challenges to examinations or the appointment to positions.

### **Section 11.5      *Grievance Procedure***

The Grievance procedure has the following four steps:

#### **Section 11.6      *Step 1: Informal Discussion***

Informal discussion within 14 calendar days of the occurrence of the act(s) that constitute the grievance, or 14 calendar days from when the employee became aware of the act; an employee shall discuss the grievance with his/her immediate supervisor. During the informal discussion, the employee must make the supervisor aware that they are seeking resolution under this procedure. The supervisor will investigate and attempt to

resolve the matter. The supervisor will give the employee an oral reply within 14 calendar days after the discussion. If the employee is not satisfied with the reply, he or she may proceed to Step 2.

### **Section 11.7      Step 2: Formal Discussion**

- a. Any grievance not resolved at Step 1 may be submitted in writing to the immediate supervisor no later than 14 calendar days after the date of the supervisor's oral reply. The written grievance must identify all of the following:
  1. Fully describe how the grievant is/was adversely affected by a specific act or omission which gave rise to the alleged violation, misinterpretation, or misapplication;
  2. The date of the informal discussion with his/her immediate supervisor.
  3. Identify the specific provision of these Policies or an applicable MOU was allegedly violated, misinterpreted, or misapplied;
  4. The date or dates on which the violation, misinterpretation, or misapplication allegedly occurred;
  5. The documents, witnesses or other evidence that support the grievance;
  6. The desired solution or remedy;
  7. The signature and identification of the grievant; and
  8. The person, if any, the grievant has chosen to be his or her representative. (Section 33)
- b. No grievance will be accepted for processing until all of the information listed above is provided. Within 14 calendar days after the grievant provides all of the information listed above, the immediate supervisor may, in his or her discretion, schedule a meeting with the grievant for the parties to work at resolving the grievance. The immediate supervisor shall give the grievant a written reply within 14 calendar days after receipt of the written grievance, or the meeting, whichever occurs later, and will file a copy in the departmental grievance file. If the grievant is not satisfied with the response, he/she may proceed to Step 3. If the immediate supervisor from Step 2 is the department director then the grievance may proceed to Step 4.

### **Section 11.8      Step 3 Department Director**

Any grievance not resolved at Step 2 may be submitted in writing to the department director no later than 14 Calendar days after the date of the immediate supervisor's written reply. The grievant shall provide the department director with copies of the Step 2 complaint and response. Within 14 calendar days thereafter, the department director, may in his or her discretion, schedule a meeting with the grievant for the purpose of giving the parties the opportunity to resolve the grievance. The department director will give the grievant a written reply within 14 calendar days after receipt of the written grievance, or the meeting, whichever occurs later, and will file a copy in the grievance file. If the grievant is not satisfied with the response, he/she may proceed to Step 4.

### **Section 11.9      Step 4: City Manager**

Any grievance not resolved at Step 3 may be submitted in writing no later than 14 days from the date of the department director's written reply. The grievant shall provide the City Manager with copies of the Step 2 and 3 complaints and responses. Within 14 calendar days thereafter, the City Manager may, at his or her discretion, schedule a meeting with the grievant to discuss the matter. After consideration of the facts and if appropriate an investigation, if the City Manager shall give his or her written decision to the grievant.

### **Section 11.10      City Manager's Decision on Grievance**

The decision of the City Manager will be final and binding. The City Manager's decision will be limited as follows:

1. The decision shall neither add to, detract from, nor modify the language of the Personnel System

Guidelines, City policies or procedures, or any applicable MOU.

2. The decision shall be confined to the precise issue(s) the grievance has raised and that the grievant has submitted.
3. Any monetary award in favor of the grievant may not exceed wages or benefits that the grievant has actually lost as a result of the matters alleged in the grievance. In no event shall any grievance award include any compensatory or other damages or attorneys' fees and costs.

### **Section 11.11      *Settlement of Grievance***

Any grievance will be deemed settled when it is not appealed to the next step within the specified time limit, unless an extension of time to a definite date has been mutually agreed upon in writing. Any grievance that the grievant fails to timely move to the next step shall be deemed resolved on the basis of the last disposition.

### **Section 11.12      *Representation***

An employee may have a representative of his or her choice, such as a union representative, attorney, or other representative present at meetings or formal interviews of the grievance procedure, except that no one may be represented by an employee he or she supervises, and no employee may be represented by a supervisor or department head. If the employee's representative is a fellow employee, that employee will receive time off from his or her work assignment for the time of the grievance meeting or hearing plus reasonable travel time. Forty-eight hours prior to the grievance meeting, the employee shall inform the immediate supervisor, department director or City Manager whether he or she shall be represented at the grievance meeting and shall identify the representative.

### **Section 11.13      *No Retribution***

An employee shall not be penalized for using this procedure.

### **Section 11.14      *Withdrawal***

A Grievant may withdraw any grievance at any time, without prejudice, by giving written notice to the City representative who last took action on the grievance, and by providing a copy of the notice to Human Resources.

### **Section 11.15      *Resubmission***

Upon consent of the person hearing the grievance and the grievant, a grievance may be resubmitted to a lower step in the grievance procedure for reconsideration.

### **Section 11.16      *Miscellaneous***

If an employee is given a directive that he or she wishes to grieve, the employee must first comply with the order and file a grievance later, unless the employee reasonably believes that the assignment endanger the health or safety of the employee or others or if the employee reasonably believes that the requested assignment violates the employee's constitutional rights or other state, federal or local laws.

### **Section 11.17      *Delegation***

The City Manager may delegate non-involved department directors or other management-level employees to act on his or her behalf in this process. The findings and recommendation they render will be advisory to the City Manager, whose ultimate decision will be final and binding.



## **RULE 12 LAYOFF POLICY AND PROCEDURE**

### ***Section 12.1 Policy***

Whenever, in the judgement of the City Council, it become necessary to abolish any position of employment, the employee holding such position or employment may be laid off or demoted without disciplinary action and without the right of appeal. The City Manager shall determine the class and number of positions within a department or division to be affected, the layoff date, and shall notify the department head in writing of such reduction.

### ***Section 12.2 Notification***

Employees to be laid off shall be given, whenever reasonably possible, no less than sixty (60) days prior notice.

### ***Section 12.3 Order of Layoff***

In each classification of positions in a specified department or division, employees shall be laid off according to employment status in the following order: temporary, part-time, probationary, regular. Temporary, part-time and probationary employees shall be laid off according to the needs of the service as determined by the appointing authority. In cases where there are two or more regular employees in the classification from which the layoff is to be made, such employees shall be laid off on the basis of seniority within that classification. When employees have equal seniority, ties shall be broken by a decision of the City Manager.

### ***Section 12.4 Displacement***

An employee affected by layoff shall have the right to displace an employee in the same department or division who has less seniority in a lower class as long as the employee meets the minimum qualifications for the job. For the purpose of this section, seniority includes all periods of full-time service at or above the classification level where layoff is to occur excluding service prior to a resignation and subsequent reinstatement. The displaced employee shall be considered as laid off for the same reason as the employee who displaced him or her, and shall be eligible to bump to a position in a classification in which he or she has prior regular status. Employees who bump to a lower classification shall be placed at the lesser of his or her current salary or the maximum of the salary range for the lower classification. No employee shall be placed above the maximum of the salary range for the new classification. If the employee chooses to displace he/she shall submit written notice to the department head within five (5) calendar days after receipt of the layoff notice.

### ***Section 12.5 Vacancy and Demotion***

Except as otherwise provided, whenever there is a reduction in the work force, the appointing authority may first demote to a vacancy, if any, within the specified department or division in a lower class for which the employee who is the latest to be laid off is qualified. Secondly, employees may demote to a vacant position within the organization with concurrence of the affected department head(s) and approval of the City Manager.

### ***Section 12.6 Reemployment List***

The names of all regular and probationary employees who were laid off, reduced in class, displaced or who have received layoff notice and voluntarily resigned shall be placed on a reemployment list for their original class. Whenever a vacancy occurs in the class in which a reemployment list exists the qualifying employees on the lists shall be notified of the vacancy, prior to announcing an open or promotional recruitment, and shall be offered the opportunity to apply for the position.

**Section 12.7      *Duration of Reemployment List***

The reemployment list shall be effective for a period of one year from the date of change in employee's status due to City layoff, except that persons appointed to permanent positions of the same level as that which laid off, shall, upon such appointment, be dropped from the list. Persons who refuse reemployment shall be dropped from the list. Persons reemployed in a lower class, or a temporary basis, shall be continued on the list for the higher position for the remainder of that initial one year.

**Section 12.8      *Reemployment***

A regular employee who has been laid off may be eligible for reemployment to his or her former position or to a position requiring similar skill and in similar pay grade providing all of the following criteria are met:

1. There is a vacancy in the position for which the employee seeks reemployment.
2. The reemployment is within one year from the date the employee was laid off.
3. The former employee is able to perform the essential functions of the position with reasonable accommodation.

Upon reemployment, the employee shall not be subject to the probationary period prescribed for the class; and shall be granted credit for former employment in computing salary, vacation, sick leave or other benefits.

## **RULE 13 SEPARATION FROM EMPLOYMENT**

### ***Section 13.1 Abandonment of Position***

An employee may be separated from employment if the employee fails to report for duty and is absent from work without approved leave, for more than three consecutive work shifts, or fails to report for work upon the expiration of a vacation or a leave of absence, where the employee did not notify his or her supervisor of the reasons for the absence. This may be deemed to be a resignation and may result in termination of employment. The appointing authority shall provide written notice to employee at the last known address of proposed action to be taken due to abandonment, in accordance with Rule 10.

### ***Section 13.2 Disciplinary Action***

An employee may be separated from employment for disciplinary reasons by the City Manager as provided for in Rule 10.

### ***Section 13.3 Layoff***

An employee may be separated from employment because of changes in duties or organization, abolishment of position, shortage of work or funds. See Rule 12.

### ***Section 13.4 Resignation***

An employee wishing to leave employment in good standing shall file with the City Manager a written resignation stating the effective date and reasons for leaving, at least two weeks before leaving the service, unless approval for a shorter notice is obtained. Resignation shall be deemed accepted upon submission. A resignation made without the notice required may be regarded as cause for denying the resigning employee future employment with the City, and is a resignation not in good standing.

### ***Section 13.5 Retirement***

Retirement from employment shall be subject to the terms and conditions of the City's retirement plan. Whenever an employee meets the conditions set forth in the City's retirement plan regulations, they may elect to retire and receive benefits earned under the retirement plan.

### ***Section 13.6 Disability***

An employee may be separated for disability only when the employee cannot perform the essential functions of the job. Every effort will be made to reasonably accommodate the employee. The City, at its expense, may require a job-related examination of the employee for "fitness" of duty performed by a doctor of City choice where there is evidence of a job performance or safety problem. A disabled employee may be retained by the City in a position for which qualified, if deemed reasonable and appropriate by the City.

### ***Section 13.7 Death of Employee***

In the event of a death of an employee, payment of all earned wages due shall be in accordance with the laws of the state.

### ***Section 13.8 Exit Interviews***

Whenever possible, the personnel officer should conduct exit interviews with employees upon separation from employment. Such interviews shall occur within one week before a planned separation.

## **RULE 14 LEAVES OF ABSENCE\***

### **Section 14.1      *Attendance***

Employees shall be in attendance at their work site in accordance with the rules regarding hours of work, holidays and leaves. Employees shall make every effort to schedule personal appointments outside their working hours. Employee attendance will be reviewed and evaluated during the employee's annual performance evaluation.

Employees shall be required to complete appropriate attendance records for all hours during the appropriate pay period. The appropriate forms shall be signed by the employee and immediate supervisor by the deadline established within the department/division.

### **Section 14.2      *Military Leave***

Military leave shall be granted in accordance with the provisions of Federal and California State law. Employees entitled to military leave shall give the department head an opportunity within the limits of military regulations to determine when such leave shall be taken. Employees who serve in U. S. military organizations or National Guard groups may take the necessary time off with pay to fulfill this obligation. Reinstatements of individuals returning from military leave shall be done in accordance with the applicable Military and Veterans Codes of the United States and the State of California.

Employees are eligible for reemployment after completing military service, provided the employee provides copies of the military orders to the department head upon receipt; military service is entered directly from employment with the City and active duty service is satisfactorily completed; and re-employment is applied for and takes place within ninety (90) days after discharge from active duty. An employee returning from up to six (6) months active duty for training must apply within thirty (30) days after discharge.

### **Section 14.3      *Jury Duty***

Every regular employee of the City who is called or required to serve as a trial juror, upon notification and appropriate verification submitted to the supervisor, is permitted to be absent from his or her duties with the City during the period of such service or while necessary to be present in court as a result of such call.

Regular employees required to serve as a trial juror during their normal scheduled work hours shall receive their base pay for those hours of absence from work. Probationary employees may receive jury duty pay for a maximum of ten (10) work days. Employees are required to deposit with the City any pay, other than mileage, received from service as a trial juror on City time. Such employees are required to deliver a "jury duty time card" form verifying the hours of jury duty service. Employees who take vacation to serve on a jury may keep any pay received. Employees should note that per Section 215(b) of the California Code of Civil Procedure any employee of a federal, state, local government entity, or by any other public entity as defined by Section 481.200 and who receives regular compensation and benefits while performing jury service shall not receive compensation from the California courts.

Employees must immediately upon receipt of jury duty summons, provide his or her supervisor a copy of such notice. Employees required to serve on a jury must report to work before and after jury duty provided there is an opportunity for at least one (1) hour of actual work-time. For example - An employee scheduled to work from 4 am to 3 pm, and court is scheduled to begin at 9 am, the employee shall work from 4 am until such time as required to report for jury duty. If court is adjourned at 2 pm and the employee's regular work schedule is 8 am to 5 pm the employee shall report to work for the remainder of that work day.

Employees volunteering to serve on a grand jury may apply for a leave of absence without pay under Section 13.5 of these guidelines to perform the duties of a member of the grand jury.



### **Section 14.4      *Voting***

The City encourages eligible employees to register and vote in all federal, state and local election. Employees of the City are expected to vote prior to or following their assigned working hours. However, the City will consider granting time off with pay charged to vacation leave to participate in federal, state and local elections for employees having less than two consecutive non-working hours following the opening or preceding the closure of polls. Employees having two or more consecutive non-working hours following the opening or close of polls will not be granted time off charged to vacation leave to vote. In order to receive paid time off to vote, the employee must provide a written request for such time and must obtain written approval from the employee's supervisor. Requests must be made in writing and must be received at least three days prior to Election Day. In no event shall an employee receive more than two hours paid absence for the purpose of voting. Voting time off shall be taken immediately prior to the beginning or the completion of the employee's scheduled work day. Paid absence for the purpose of voting shall be in accordance with Section 14400 of the California Elections Code.

### **Section 14.5      *Leave of Absence Without Pay***

The City Manager may grant a regular or probationary employee leave of absence without pay or accrual of seniority for a period not to exceed six months. After six months, the leave of absence may be extended if so authorized at the determination of the City Manager. No such leave shall be granted except upon written request of the employee, setting forth the reason for the request, and the approval will be in writing. Upon expiration of a regularly approved leave, the employee shall be reinstated in the position held or equivalent at the time leave was granted. An employee on leave who fails to report to duty at its expiration shall be subject to Rule 13.1.

Department heads may grant a regular or probationary employee leave of absence without pay for a period not to exceed 10 working days in any twelve (12) month period. Such leaves shall be reported to the personnel officer. Under normal circumstances, when the City is not facing a fiscal crisis, personal leaves of absence shall be granted only after an employee has exhausted all vacation entitlement.

All employees placed on approved leave of absence status without pay for a period exceeding two calendar weeks within one pay period in any twelve (12) month period shall not accrue service credit for salary review, vacation, and illness and injury leave purposes for the entire duration of the leave of absence without pay and shall have their eligibility for such increases extended by the total number of days an employee has been on approved leave of absence without pay. Employees placed on approved leave of absence, beyond two consecutive weeks, without pay shall be responsible for all health insurance premium, life insurance premiums, long term disability premiums and other monthly benefit payments, as prescribed by the personnel officer, unless otherwise required by law.

For time keeping purposes, a leave of absence granted pursuant to this section shall not be counted towards any time the employee is eligible to pursuant to any applicable leave law.

### **Section 14.6      *Family & Medical Leave***

- A. The purpose of this policy is to implement the provisions of the California Family Rights Act of 1992, as amended, and the Family and Medical Leave Act of 1993. Where there are differences between the state and federal acts, the more generous requirements of the two will be extended to City employees. If any provisions of this policy are inconsistent with the state and federal acts and their enabling regulations the acts and regulations shall supersede this policy.
- B. For the purpose of this policy, parent shall mean biological parent, stepparent, adoptive parent, mother or father-in-law, foster parent, or a person acting as parent (loco parentis). Child shall mean biological child, adopted child, stepchild, foster child, child of domestic partner, legal ward of the employee, or a child of an employee standing in loco parentis, adult dependent child under the age of 18 or 18 years or older who is incapable of self-care because of a mental or physical disability. Spouse shall mean husband, wife, and domestic partner recognized by the State of California.
- C. Employees with more than one (1) year of continuous service with the City, who have worked at least 1,250 hours during the previous year, may take up to twelve (12) workweeks of leave in a 12-month period because of; 1) the birth of a child or the placement in your family household of a child for adoption or

- foster care; 2) the employee is needed to care for a family member (parent, child or spouse) with a serious health condition; 3) the employee's own serious health condition makes the employee unable to do his/her job. Entitlement to leave for the birth or placement of a child in your family household for adoption or foster care expires twelve (12) months after the birth or placement.
- D. The City may require an Employee granted leave under this provision to exhaust accrued compensatory time, vacation leave, sick leave or other accrued time off prior to leave without pay. Such paid leave shall run concurrently with any Family Medical Leave. An employee receiving disability payment may also use accrued time off to supplement their disability not to exceed 100% of normal compensation.
  - E. Family Medical Leave may be used intermittently, but shall not exceed a total of twelve (12) workweeks of leave in a 12-month period measured from the date the leave notice is provided.
  - F. Employee requests for medical leave will be authorized on the basis of a physician's written statement that the employee is unable to work due to a medical disability.
  - G. The City may require employees requesting family care leave for the care of a seriously ill family member (parent, child or spouse), or for the treatment of a serious health condition of the employee to provide medical verification of the illness. Such verification shall include a statement that the condition warrants the attention of the employee and an estimate of the period of time needed for the care.
  - H. Where both spouses are employed by the city and both are eligible for family leave the aggregate leave to which both are entitled is limited to twelve (12) workweeks of leave in a 12-month period if leave is for the birth or placement for adoption or foster care of the employees' child.
  - I. Employees on Family Medical Leave will be eligible to continue medical and dental insurance coverage and other group coverage as if the employee were in a regular pay status. The City will pay the premiums necessary to maintain coverage as if the employee remained in a paid status. If an employee elects to maintain insurance coverage while on Family Medical Leave, the employee shall pay the employee portion of premiums in advance in accordance with the requirement necessary to maintain coverage, if the employee's paycheck is inadequate to pay the employee portion. For the period of family care leave in a paid status, except Catastrophic Leave, the employee will continue to accrue vacation, sick leave and holidays.
  - J. Family care leave shall not constitute a break in service for seniority or any employee benefits. An employee on family care leave without pay for thirty (30) consecutive Calendar Days, or more, shall have their salary review date adjusted to reflect the time absent without pay. Employees on probation will have their probationary period extended by the length of time on family care leave.
  - K. The total period of all absences whether related to the same medical condition or not shall be considered part of the same leave and may not exceed 12 weeks in a 12 month period. Paid and unpaid portions of a leave shall run concurrently for purposes of the 12 weeks limitation.
  - L. An employee may take up to 12 workweeks of unpaid leave for a qualifying exigency (as defined by the Department of Labor short-notice deployments, military events, counseling) related to a spouse, son, daughter, or parents of active duty or notification of an impending call or order to active duty in the Armed Forces in support of a contingency operation.
  - M. An employee who is the spouse, son, daughter, parent or next of kin of a covered military service member is entitled to a total of 26 workweeks of leave during a single 12-month period to care for the service member with illness incurred in the line of duty.
  - N. An employee who plans to take a medical leave must provide the City with reasonable notice of the date the leave will commence, the estimated duration of the leave, and the expected date of return to work. When an unplanned medical condition or emergency occurs that does not allow the employee to provide advance notification of the need for a medical leave, the employee must notify the City of the situation at the earliest possible time. The City may require periodic confirmation of the need for continued leave.
  - O. Employees returning to work after any medical leave may be required to have a written release from a physician verifying that they are able to return to work, including any limitation that will impact the employee's ability to perform the essential functions of the position, with or without reasonable accommodation, and safely perform their duties.
  - P. Information provided by the employee regarding Family and Medical Leave is confidential information and will be maintained as such.
  - Q. Family Medical Leave shall not run concurrent with Pregnancy Disability Leave

#### **Section 14.7      *Pregnancy Disability Leave***

- A. The purpose of this policy is to implement the provisions of the California Pregnancy Disability Act.
- B. An employee is entitled to pregnancy disability leave immediately after she is hired.

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- C. An employee is entitled to up to four months unpaid leave for the period the employee is actually disabled by pregnancy.
- D. Pregnancy disability is defined as a certified medical condition caused by pregnancy, childbirth or other medical condition related to pregnancy. An employee's need for pregnancy disability leave does not simply arise because an employee is pregnant, but rather when her pregnancy or a related condition imposes a physical disability.
- E. The City may require an employee granted leave under this provision to exhaust accrued sick leave. The employee may request to use accrued vacation leave and/or compensatory time off in order to receive compensation during the unpaid portion of her pregnancy disability leave.
- F. The employee should give the employer at least thirty (30) days advance notice where it is foreseeable the employee will need to take pregnancy disability leave. If such notice is not possible, such as during an emergency or unforeseen complication the employee is required to give notice as soon as practicable.
- G. Employees returning to work after pregnancy disability leave may be required to have a written release from a physician verifying that they are able to return to work.
- H. Pregnancy Disability Leave may be used intermittently.
- I. Employees who have exhausted or are no longer qualified to receive Pregnancy Disability Leave, may request an additional twelve (12) workweeks of leave in accordance with Family Medical Leave as outlined in Section 13.6 of these Guidelines

***RULE 15 PAID LEAVES\****

\*The information described in this section may change from time to time and is intended to represent those benefits granted to employees as a result of and approved Memorandum of Understanding or City Council action.

***Section 15.1          Vacation Leave***

Employees, who have completed their probationary period and are at regular employee status (including promotion and transfer status), are eligible to use accrued vacation time. Vacation time is accrued monthly from time of hire. Accrual schedule is shown below:

<b>Years of Service</b>	<b>Days of Vacation per year</b>	<b>Monthly Accrual</b>	<b>Maximum Accrual</b>
Up to 2 years (0 to 24 months)	11	7.33 hours	176 hours
After 2 to 4 years (25 to 48 months)	13	8.67 hours	208 hours
After 4 to 9 years (49 to 108 months)	15	10 hours	240 hours
After 9 to 14 years (109 to 168 months)	18	12 hours	288 hours
After 14 years (169 months and above)	19	12.67 hours	304 hours
After 20 years (240 months and above) (unrepresented management employees only)	20	13.33 hours	320 hours

The department head must approve use of vacation time. It is advisable that employees submit vacation requests as far in advance as possible. There will be times when vacation time requests cannot be granted due to scheduling conflicts.

Vacation accruals can be carried from year to year, as long as the employee does not allow the accrued leave balance to exceed twice his/her annual accrual rate. If the vacation accruals reach the maximum level, no additional vacation time will be accrued until such time the level falls below the maximum, unless an employee can demonstrate that he or she made a reasonable attempt to use accrued vacation prior to reaching the applicable cap, and was unreasonably denied time off by the City, in which case the employee shall be granted an additional three months to use said vacation, and shall continue to accrue vacation during said three months. If the employee has still been unable to gain approval for the use of vacation after the additional three months, the City shall pay the employee a cash amount equal to the value of all accrued vacation hours that exceed the cap, and shall continue to pay until the employee is able to use sufficient vacation hours to bring his or her balance under the cap. Upon separation, employees will be paid for their accrued vacation time.

***Section 15.2          Sick Leave***

Employees will accrue eight hours of sick leave per month. Sick leave will be accrued from date of employment. Uses of sick leave are as follows:

- a. Personal illness or physical incapacity – the City may require the employee to submit medical verification
- b. Medically necessary medical, dental and vision appointments. Employees are allowed to use sick leave for adequate travel time to medically necessary appointments. For example – An employee has a doctor's appointment at 11am, the employee shall report to work and until such time as required to

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- report for the doctor's appointment and return to work immediately following the appointment provided there is an opportunity for at least one (1) hour of actual work-time.
- c. Family sick leave – Illness or injury of a member of the employee's family (spouse, domestic partner, parent, or child – parent and child include biological, foster, adopted, step or legal guardian relationships – child also includes a child of a domestic partner) which requires the employee's personal care and attendance. Up to 48 hours per calendar year of sick leave may be used for family sick leave.
  - d. Family bereavement leave – Up to 24 hours of sick leave may be used to attend to the death and make final arrangements of a relative as defined in Rule 2. Use of leave may not be consecutive but must take place within 30 days. The City Manager may extend the use of sick leave for up to an additional 24 hours if special circumstances apply.

Employees shall contact his/her supervisor prior to the start of the work period if any of the above reasons are met for the use of sick leave. Supervisors may require proof of illness or appointment. Failure to notify a supervisor may be cause for denial of paid sick leave; unless the employee can provide a satisfactory explanation. Continued absence without permission is considered to be abandonment of duties and cause for disciplinary action.

The City's contract with the Public Employees Retirement System (PERS) enables employees to convert their unused sick leave toward retirement benefits. Under law currently as of the adoption of these Rules; the following is an example of sick leave conversion for PERS service credit at retirement.

$$\begin{aligned} 750 \text{ hours sick leave} / 8 \text{ hours per day} &= 93.75 \text{ days of sick leave} \\ 93.75 \text{ days} \times .004 &= .375 \text{ year of additional service credit} \end{aligned}$$

### **Section 15.3      *Holiday Leave***

The City provides paid holidays on the following days:

New Year's Day	Martin Luther King Day (Not applicable to Sworn Police Officers)	President's Day	Memorial Day
Independence Day	Labor Day	Veterans Day	Thanksgiving Day
Day after Thanksgiving	4 hours Christmas Eve	Christmas Day	4 hours New Year's Eve

If a holiday falls on a Saturday, the City shall provide pay for Friday, if a Holiday falls on a Sunday; the City shall provide pay for Monday. Unless otherwise noted, all holidays are paid at eight (8) hours.

In addition to the above Holidays, the City provides employees two floating holidays per fiscal year. These days are provided on July 1 each year and may not be carried to the next fiscal year. Employees serving their probationary period may not use their floating holidays. Floating holidays may be used any time during the year upon approval from a supervisor with exception of the day before or after a City paid holiday. Employees hired after July 1 and before December 31, will receive 1 floating holiday during the fiscal year. Employees hired after December 31 and before July 1, will not receive any floating holidays that fiscal year.

Safety Employees have the option to use the paid holiday or alternate day if scheduled on a holiday, or be paid in lieu of the holiday. Safety employees must make their election prior to the beginning of the fiscal year. In-Lieu Holiday Pay is made in two payments annually, during the May and November pay periods. Six Holidays are paid at each period.

### **Section 15.4      *Catastrophic Leave\****

\*Specific provisions of Catastrophic Leave may vary depending on your representation group, please refer to the current MOU.

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- A. Catastrophic leave benefits have been established for City employees who have exhausted all accumulated vacation, sick leave and compensatory time off. The purpose of this benefit is to provide a portion or all of the employee's pay during the time the employee would otherwise be on medical leave of absence without pay pursuant to Rule 14.6. Catastrophic leave benefits are contingent on the receipt of donated vacation time in the manner described below.
- B. Catastrophic leave shall conform to the rules for leave of absence without pay set forth in the Rule 14.5 except that, during that portion of the leave of absence that is also catastrophic leave, the employee will be paid. Although employees on catastrophic leave will receive catastrophic pay, for all other purposes, except as indicated below, such employees will be considered on leave of absence without pay pursuant to the Rule 14.5 and they shall not accrue any leave rights while on catastrophic.
- C. In no event, may an employee takes more than six (6) months of catastrophic leave during any twelve (12) month period. Catastrophic leave and leaves of absence without pay shall run concurrently.
- D. An employee is eligible for catastrophic leave when the employee faces injury or prolonged illness (based on documented medical evidence) of the employee or employee's spouse, parent or child and the employee is absent from work caring for himself or herself or family members.
- E. City employees may donate vacation time to any covered employee who meets the conditions described above; management employees are subject to limitation of Section H of this policy, police officers and sergeants are subject to limitation of Section M of this policy. Employees may not, however, donate sick leave or CTO.
- F. Employees (or their designees) requesting establishment of a catastrophic leave bank must submit a written request to the office of the City Manager. The request must provide sufficient information to enable the City Manager to determine whether the reason for the leave qualifies as catastrophic. This information will be maintained confidentially to the extent required by law. Catastrophic leave requests for injury/illness must include supporting medical verification from a licensed physician. Leave requests must include the estimated date of return to work.
- G. In the event the employee is requesting time to care for a sick family member, but has not exhausted his or her personal sick leave bank due to the limitations of Family Sick Leave (Section 15.2), is in all other ways eligible, and the City Manager has determined such leave qualifies as catastrophic and determined that Paid Family Leave ( a State Disability Insurance benefit) is likely to be granted from the State, the employee may exhaust personal sick leave under the following limited conditions:
  - 1. The employee must first qualify for Paid Family Leave, or completed the application for Paid Family Leave with the reasonable assumption of qualification. Personal sick leave may be used to make up the difference between the Paid Family Leave Insurance benefit and the employee's full wage. Family Leave benefits that are awarded retroactively to the employee, will be reimbursed to the employee's sick leave bank if personal sick leave was used in the interim.
  - 2. Once the employee has exhausted the six-week Paid Family Leave benefit, the employee may use personal sick leave for family care until accumulated sick leave is fully exhausted, subject to the Section 14.6C above limiting total leave taken (personal sick and donated vacation combined) to no more than six (6) months during any twelve (12) month period.
- H. Management employees may not solicit, nor have solicited on their behalf, contributions from their subordinates. "Subordinate" includes any employee that directly or indirectly reports to the management employee, or any employee whose working conditions could be significantly impacted by the management employee.
- I. It is the responsibility of the employee or co-workers to canvass other employees (except as H stated above) for the donation of leave credits. However, donations are voluntary; coercion of fellow employees is strictly prohibited. Donations must be made on the City-approved authorization form submitted to Human Resources to be deducted in the order received. All donations are irrevocable. Donations are taxable on the part of the recipient, in accordance with IRS regulations, and are subject to withholding as required by law.
- J. Donations must be a minimum of four (4) hours. The City will convert the donor's vacation time hours to a dollar equivalent amount. Ninety-five percent (95%) of that dollar amount will then be converted to hours, using the recipient's hourly wage, resulting in hours applied to recipient's catastrophic pay.
- K. Health insurance coverage and retirement contributions will continue in the same manner as if the recipient employee was on sick leave. The recipient employee will not accrue sick leave or vacation benefits while using catastrophic leave
- L. Catastrophic leave shall be terminated when one or more of following occurs:
  - 1. The employee has exhausted six (6) months of catastrophic leave during any twelve (12) month

## **CITY OF LEMOORE - PERSONNEL SYSTEM GUIDELINES**

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- period.
  - 2. The employee has exhausted all of his or her rights under the Rule 14.6 for unpaid medical leaves of absence, whether paid in part or in full from catastrophic leave.
  - 3. Donated leave credits have been exhausted.
  - 4. Death of the ill or injured employee or subject family member.
  - 5. The employee returns to full-time, active City employment
- M. Any City employee may donate vacation time or CTO to any Police Officer or Sergeant, but not sick leave.

## **RULE 16 REPORTS AND RECORD KEEPING**

### **Section 16.1      *Personnel Files***

The personnel officer shall maintain a personnel record for each employee in the service of the City showing the name, title of position held, the department to which assigned, salary, changes in employment status, performance evaluations, disciplinary action and such other information as may be considered pertinent by the personnel officer.

### **Section 16.2      *Access to Administrative Records***

The City Attorney, City Manager and the personnel officer shall have access to all departmental records, documents, and papers pertaining to employees, the examination of which will aid in the discharge of his or her duties. All administrative records shall be maintained in a manner which will preserve their confidentiality. Elected officials shall have no access to or knowledge of personnel files, except those of the City Manager.

### **Section 16.3      *Employee Access to Their Personnel Records***

At a time which is reasonable to personnel officer and employee, the personnel officer shall, upon the request of employee, provide the opportunity to the employee to inspect any materials, records, etc., in his or her personnel file which are used or have been used to determine that employee's qualifications for employment, promotion, additional compensation, termination, or other disciplinary action. This section does not apply to records relating to the investigation of a possible criminal offense, to letters of reference, rating sheets used during the selection process, or other information obtained in confidence.

### **Section 16.4      *Access to Personnel Records by Department Heads and Supervisors***

Department heads and supervisors shall have access to all records, documents, and papers pertaining to employees in his or her department, if the examination will aid in the discharge of his or her duties. All personnel records are confidential and the department head and supervisors shall maintain this confidentiality.

### **Section 16.5      *Destruction of Records***

Destruction shall be as per the City's Retention Schedule.

### **Section 16.6      *Purging of Employee Discipline Records***

Only written reprimands records may be expunged upon sustained corrective behavior after one year. The employee wishing to have written reprimands records purged shall make a written request to the City Manager. The City Manager shall consult with the employee's department head to substantiate that corrective behavior has been sustained for the one year period. The City Manager shall obtain the concurrence of the department head before the records are expunged.

### **Section 16. 6      *Personnel Action Form***

Every appointment, transfer, promotion, demotion, termination, change of salary rate, or any other temporary or permanent change in status of employees shall be reported to the personnel officer in such manner as prescribed by the personnel officer. A personnel action form shall include the employee's name, title of position held, the department to which assigned, salary, changes in employment status, residence data, and such other information as may be considered pertinent. The personnel officer's signature shall be included on personnel action forms as a result of an appointment, promotion, demotion, transfer and termination. A copy



of the personnel action form shall be included in the employee's personnel file. A copy of the form shall be delivered to the Finance Department before payment is made to the appointee.

### **Section 16.7      *Address Notification***

Employees shall notify the personnel office of any change of name, address, or telephone number within five (5) calendar days of change.

### **Section 16.8      *Performance Evaluations***

It is the policy of the City to evaluate employee performance on a regular basis. The performance evaluation shall normally be conducted by the employee's immediate supervisor and shall be discussed with the employee. The employee's immediate supervisor shall carefully consider each item of the performance evaluation in relation to the duties outlined in the employee's position description.

A performance evaluation shall be completed prior to the completion of the probationary period, and annually thereafter. A performance evaluation will be completed on an annual basis for regular employees, and prior to the promotion or transfer of an employee. The personnel officer will notify the employee's department head approximately thirty (30) days prior to the employee's anniversary date. It is the department head's responsibility to assure that the performance evaluation is completed and returned to the employee for signature prior to the employee's evaluation date. Special evaluations, as needed, may be given. Any absence 30 days or longer will affect the evaluation date.

#### **Reclassified Employees Evaluations**

Reclassifications can occur under two possible circumstances, and evaluations will vary by type.

#### **Creation of a new class**

Reclassifications due to the creation of a new classification, in the absence of a significant change in assigned duties and responsibilities, will have no effect on the evaluation date of the employee. Their next evaluation will occur 12 months from the previous evaluation in the former classification.

#### **Material change in duties**

Reclassifications resulting from the material change in the duties of the position will also have no effect on the date of the employee's next evaluation, which will occur 12 months from the previous evaluation of the former classification. The second evaluation in the new classification will vary as follows:

If the reclassification does not result in at least a 5% wage increase, evaluations will continue on the same yearly schedule from the previous classification with the potential for merit step increases as usual (if available).

In cases where the reclassification brought about a 5% or greater wage increase, the employee will not be eligible for a merit step at the first evaluation (12 months from last evaluation in previous classification) in the new classification. However, in those cases, the employee will receive another evaluation in the new position occurring 12 months from the date of the reclassification, and a merit step may occur at that time. All future evaluations will continue to occur on the anniversary of the reclassification.

## **RULE 17 HARASSMENT**

### ***Section 17.1 Introduction***

The City strongly disapproves of any form of harassment against its employees. It can result in high turnover, absenteeism, low morale, and an uncomfortable work environment.

### ***Section 17.2 Protected Classifications***

The City strictly prohibits unlawful harassment. This includes harassment on the basis of sex, sexual orientation, gender identity, race, color, ancestry, religious creed, handicap or disability, medical condition, age, marital status, or any other protected class under applicable law.

### ***Section 17.3 Application***

- A. This policy applies to all phases of the employment relationship, including recruitment, testing, hiring, upgrading, promotion/demotion, transfer, layoff, termination, rates of pay, benefits, and selection for training.
- B. This policy applies to all officers and employees of the Employer, including, but not limited to, full- and part-time employees, temporary employees, and persons working under contract for the Employer.

### ***Section 17.4 Harassment Defined***

- A. Harassment may consist of offensive verbal, physical or visual conduct when such conduct is based on or related to an individual's sex, and/or membership in one of the above described protected classifications under Section 17.2, and:
  - 1. Submission to the offensive conduct is an explicit or implicit term or condition of employment;
  - 2. Submission to or rejection of the offensive conduct forms the basis for an employment decision affecting the employee; or
  - 3. The offensive conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creates an intimidating, hostile or offensive working environment.
- B. Examples of what may constitute prohibited harassment include, but are not limited to, the following:
  - 1. Kidding or joking about sex or membership in one of the protected classifications;
  - 2. Hugs, pats, and similar physical contact;
  - 3. Assault, impeding or blocking movement, or any physical interference with normal work or movement;
  - 4. Cartoons, posters, and other materials referring to sex or membership in one of the protected classifications;
  - 5. Threats intended to induce sexual favors;
  - 6. Continued suggestions or invitations to social events outside the work place after being told such suggestions are unwelcome;
  - 7. Degrading words or offensive terms of a sexual nature or based on the individual's membership in one of the protected classifications;

8. Prolonged staring or leering at a person;
9. Similar conduct directed at an individual on the basis of race, color, ancestry, religious creed, handicap or disability, medical condition, age, marital status, sexual orientation, or any other protected classification under applicable law.

### **Section 17.5      *Reporting Procedure***

#### **A. Internal Reporting Procedure**

1. Any employee who believes that he or she has been the victim of sexual or other prohibited harassment by co-workers, supervisors, clients or customers, visitors, vendors, or others should immediately notify his or her supervisor, or in the alternative, the City Manager, depending on which individual the employee feels most comfortable contacting.
2. Additionally, supervisors that observe or otherwise become aware of harassment that violates this policy have a duty to take steps to investigate and remedy such harassment and prevent its recurrence.

#### **B. External Reporting Procedure**

Any employee who believes that he or she has been the victim of sexual or other prohibited harassment by co-workers, supervisors, clients or customers, visitors, vendors or others may file a complaint with the California Department of Fair Employment and Housing (DFEH). Employees may contact DFEH at 1320 East Shaw Avenue, Suite 150, Fresno, California. The phone number for DFEH is in the phone book.

### **Section 17.6      *Investigation***

- A. Upon the filing of a complaint with the Employer, the complainant will be provided with a copy of this policy. The City Manager is the person designated by the Employer to investigate complaints of harassment. The City Manager may, however, delegate the investigation at his or her discretion. In the event the harassment complaint is against the City Manager, an investigator shall be appointed by the City Council.
- B. Charges filed with the DFEH are investigated by the DFEH.

### **Section 17.7      *Internal Documentation Procedure***

- A. When an allegation of harassment is made by an employee, the person to whom the complaint is made shall immediately prepare a report of the complaint according to the preceding section and submit it to the City Manager.
- B. The investigator shall make and keep a written record of the investigation, including notes of oral responses made to the investigator by the person complaining of harassment, witnesses interviewed during the investigation, the person against whom the complaint of harassment was made, and other persons contacted by the investigator in connection with the investigation. The investigator's notes shall be made at the time the verbal interview is in progress. Any other documentary evidence shall be retained as part of the record of the investigation.
- C. Based on the report and any other relevant information, the City Manager shall, within a reasonable period of time, determine whether the conduct of the person against whom a complaint has been made constitutes harassment. In making that determination, the City Manager shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred, and the conduct of the person complaining of harassment. The determination of whether harassment occurred will be made on a case-by-case basis by the City

Manager.

### **Section 17.8      Confidentiality**

All records and information relating to the investigation of any alleged harassment and resulting disciplinary action shall be confidential, except to the extent disclosure is required by law, as part of the investigatory or disciplinary process, or as otherwise reasonably necessary.

### **Section 17.9      Remedies**

Disciplinary Action

- A. If the City Manager determines that the complaint of harassment is valid, the City Manager shall take immediate and appropriate disciplinary action consistent with the requirements of law and Rule 10 herein. Other steps may be taken to the extent reasonably necessary to prevent recurrence of the harassment and to remedy the complainant's loss, if any.
- B. Disciplinary action shall be consistent with the nature and severity of the offense.

### **Section 17.10      Retaliation**

Retaliation against anyone for opposing conduct prohibited by this policy or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by the Employer, DFEH or FEHC is strictly prohibited and may subject the offending person to, among other things, disciplinary action, up to and including, termination of employment.

### **Section 17.11      Employee Obligation**

- A. Employees are strongly encouraged to report instances of harassment.
- B. Employees are obligated to cooperate in every investigation of harassment, including, but not necessarily limited to:
  - 1. Coming forward with evidence, both favorable and unfavorable, to a person accused of harassment.
  - 2. Fully and truthfully making a written report or orally answering questions when required to do so during the course of an Employer investigation of alleged harassment.
- C. Knowingly and falsely accusing someone of harassment or otherwise knowingly giving false information in an investigation of harassment shall be grounds for disciplinary action, up to and including, termination of employment.

### **Section 17.12      Mandatory Training**

As part of its commitment to ensuring a work environment free from harassment and discrimination, the City requires all supervisory employees receive AB 1825 training on this Policy at least once every two years. Human Resources will schedule training sessions to ensure that employees are able to complete the mandatory training. Attendance at the training will be documented.

## **RULE 18 COMPENSATION \***

*\*The information described in this section may change from time to time and is intended to represent those benefits granted to employees as a result of an approved Memorandum of Understanding or City Council action.*

### **Section 18.1        Salaries**

Salaries for employees represented by a bargaining unit shall be determined by the appropriate MOU. Salaries for non-represented employees shall be determined annually by the City Council and approved in the Operating Budget. All salaries are listed by a Salary range and step (example range 270, step c). Each range consists of six steps approximately 5% apart.

Movement within the salary range (example: step b to step c) is based both on time of service within classification and performance in position. Generally, an employee is eligible to be moved from step a to step b after six months of service within the classification and a successful employment evaluation recommending the increase in pay. Steps b to c, c to d, d to e, and e to f require one year of service within the classification and a successful evaluation recommending the increase in pay.

A successful evaluation is one where the performance of the employee, as rated by his or her supervisor, must have an average rating of competent/standard or higher in the areas rated. Examples: An evaluation which rates the employee as unsatisfactory in two rating areas, competent in three rating areas, and outstanding in one rating area would have an average rating below competent, and therefore would not be eligible for a merit pay step increase. An evaluation which rates the employee as outstanding in two rating areas and competent in four rating areas would have an average rating above competent, and therefore be eligible for a merit pay step increase.

The final step increase, from step e to f, represents advancement to the highest pay step for any classification of City employment. To be eligible to be advanced to step f, the employee must be rated as competent/standard or better in all rating areas and the employee must have substantially met the goals established for the employee over the past year.

In extraordinary circumstances, the City Manager may, upon a detailed written request from a Department Head, approve an accelerated step increase based on documented, detailed performance far beyond normal expectations.

### **Section 18.2        Salary Increase/College Degrees**

General Service Employees who possess an Associates Degree in a field related to their current classification will receive a 2.5% salary increase; those who have earned a Bachelors Degree in a field related to their current classification will receive a 5% salary increase. Refer to current MOU as applicable.

Sworn Police Officers who possess an Associate Degree in a field related to their classification will receive a 5% salary increase. Public Safety employees who possess a Bachelors Degree in a field related to their classification will receive a 10% salary increase. Refer to current MOU as applicable.

### **Section 18.3        Incentive Pay**

Depending on certain classifications and certain assignments incentive pay is calculated in addition to range and step; please refer to your bargaining units MOU for clarification. The following is a partial list:

- California Class B Driver's License
- California Contractor's License
- State Certificate for Insecticide/Pesticide Application
- Water Backflow Certificate
- Microsoft Office Certificate

Microsoft Certified Engineer (Hardware and Software)  
ASE Certified Mechanic  
Proficiency in Spanish  
K9 Officer  
Narcotics Task Force  
Detective  
Gang Task Force  
Youth Development Officer

#### **Section 18.4      *Stand-by Pay***

Certain classifications of General Service employees are eligible for stand-by pay as described in the MOU and added to the paycheck. The employee has the responsibility to add the stand-by pay to their monthly timecard when on Stand-by.

#### **Section 18.5      *Overtime Hours***

General Service employees who, in a given standard work week, will receive overtime compensation for all hours worked (or compensated for with sick leave, vacation, compensatory time, etc..) over 40, except when the claimed overtime and the paid leave time occur on the same day, and eight (8) hours or fewer were actually worked. Public Safety employees who, in a given 28 day work cycle, will receive overtime compensation for all hours worked (or compensated for with sick leave, or vacation, but not compensatory time off) over 160. All overtime hours worked must be approved by a supervisor.

#### **Section 18.6      *Overtime Compensation***

Employees working overtime hours will be compensated in one of two ways: Overtime Pay or Compensatory Time Off. Overtime Pay is paid at 1 ½ times the regular pay rate, Compensatory Time Off is accrued at 1 ½ hours for each hour worked.

When a General Service employee is assigned to work a holiday or called in to work on a holiday, the employee will be paid 1 ½ times the regular pay rate for hours worked on that holiday in addition to the prescribed holiday pay.

General Service employees may choose to take either Compensatory Time Off or Overtime Pay for the first 10 hours of overtime worked each month. Overtime hours worked beyond ten shall be compensated by either Overtime Pay or Compensatory Time Off, at the choice of the City.

Public Safety employees may choose to take either Compensatory Time Off or Overtime Pay for all hours worked in excess of 160 in a 28 day work cycle; however, City is under no obligation to pay out, in Overtime Pay, more than is allocated in the Police Department's Overtime Budget. In cases where the overtime budget is exhausted, employees will receive Compensatory Time Off.

#### **Section 18.7      *Compensatory Time Off Provisions***

Employees can accrue compensatory time off for overtime hours worked. The department head supervisor must approve use of compensatory time. It is advisable that employees submit compensatory time off requests as far in advance as possible. There will be times when compensatory time off requests cannot be granted due to scheduling conflicts.

General Service employees may accrue up to 90 hours of Compensatory Time Off. In order to maintain a balance below the maximum of 90 hours, department heads may request the employee to use accrued compensatory time.

Public Safety employees may accrue up to 300 hours of Compensatory Time Off. In order to maintain a balance below the maximum of 300 hours, the Chief may request the employee to use accrued compensatory time.

**Section 18.8            Overtime Exemptions**

All employees who are in the Management and Supervisory group, with the exception of City Clerk/Administrative Secretary and Police Sergeants, are exempt from overtime provisions.

**Section 18.9            Call Back Time**

Employees who are called back to work after the completion of a work day, or more than one hour prior to the beginning of a work day will receive call back time. Public Safety employees will receive a minimum of four hours compensation at the overtime rate for a call back. General Service employees will receive a minimum of two hours compensation at the overtime rate for a call back.

**Section 18.10          Court Time**

Employees who are required to appear in court as a result of his/her official duties, during an employees non-scheduled work period, the employee shall be compensated. Police Officers will receive, at the employee's option, a minimum of four hours pay or compensatory time off at the rate of one and one-half (1.5) the employee's regular rate of pay. Police Sergeants will receive, at the employee's option, a minimum of four hours pay or compensatory time off at the rate of one and one-half (1.5) the employee's regular rate of pay. General Service employees will receive a minimum of two hours overtime compensation.

**Section 18. 11            Timecards/Pay Days**

Time cards are to be completed daily. Time cards must usually be submitted to the payroll department by the 20<sup>th</sup> of each month. Employees shall be paid on a monthly basis, with payday being the last working day of each month.

## **RULE 19 EMPLOYMENT BENEFITS**

The information described in this section may change from time to time and is intended to represent those benefits granted to employees as a result of an approved Memorandum of Understanding or City Council action.

### **Section 19.1      *Health Benefits***

City employees will be eligible to receive health benefits on the first of the month, following fifteen days of employment. The City's Health plan is approved by the Health Committee, and is provided for employees and their dependents, with the City paying, as of this writing, 60%, 70%, or 80% of the premium, depending on the employee group.

### **Section 19.2      *Dental Benefits***

The City of Lemoore also provides a comprehensive dental plan for employees and their dependents. See Health Benefits Section 19.1 for contribution information.

### **Section 19.3      *Life Insurance***

The City of Lemoore provides employees with a \$20,000 Life and Accidental Death and Dismemberment Insurance Plan. This is provided at no cost to the employee.

### **Section 19.4      *Retirement Benefits***

The City of Lemoore provides retirement benefits through the Public Employees Retirement System (PERS). Miscellaneous employees (non-public safety) participate in the 2 @ 55 program and Peace Officers participate in the 2 @ 50 program. The City of Lemoore pays both the Employer's and the Employee's portion. Employees are vested in PERS once they have been a member for five or more years.

### **Section 19.5      *Deferred Compensation***

Employees of the City are encouraged to participate in an optional 457 Deferred Compensation Program. Plan information is available from Human Resources. Contributions to the plans are withheld from payroll as a deduction. Certain employee groups may receive City paid contributions into deferred compensation.

### **Section 19.6      *Social Security***

All employees of the City of Lemoore participate in the Social Security System. Employees will have a payroll deduction for both the FICA and Medicare portions of Social Security.

### **Section 19.7      *Tuition Reimbursement***

Employees who attend courses, seminars, or training which will assist them in performing their City functions or which will prepare them for higher City positions in the same or closely related field shall be eligible for reimbursement of 100% of the tuition and registration costs of such training as well as for the actual cost of books and other materials required for the course. Said reimbursement is in the form of a forgivable loan.

Requests for tuition reimbursement must be made in writing to the City Manager and approved prior to beginning the course. Employees must complete their probationary period before tuition reimbursement will be approved. Actual reimbursement will occur upon successful completion of the course(s). Payments shall not



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be made in advance nor retroactive to a previous fiscal year.

For GASE employees working towards an Associates Degree or equivalent, tuition reimbursement shall not exceed \$750.00 per fiscal year. For employees taking upper division or graduate coursework toward the completion of a degree, tuition reimbursement shall not exceed \$1,500.00 per fiscal year.

For POA, Sergeants and Management employees working towards an Associates Degree or equivalent, tuition reimbursement shall not exceed \$1,500.00 per fiscal year. For employees taking upper division or graduate coursework toward the completion of a degree, tuition reimbursement shall not exceed \$3,000.00 per fiscal year.

The total amount of reimbursement by the City shall be a loan to that employee. Upon completion of the approved course(s), the City will forgive the loan at the rate of 1/24 per month for upper division coursework or equivalent and 1/12 per month for lower division coursework or equivalent.

For Management employees working towards a Graduate Degree or equivalent, tuition reimbursement shall not exceed \$5,000.00 per fiscal year.

The total amount of the Management Graduate Degree reimbursement by the City shall be a loan to that employee. Upon completion of the Graduate Degree, the City will forgive the loan at the rate of 1/60 of the loan amount per month until the entire amount is absolved, sixty (60) months, as long as the employee remains employed by the City.

Should an employee leave City employment anytime prior to the complete forgiveness of the loan, then the City shall have the right to deduct the remaining amount from the employee's final paycheck. If the amount of the final paycheck is inadequate, the employee shall pay the City directly the remaining amount of the loan.

**RULE 20 JOB CLASSIFICATIONS GROUPS**

All positions within the City are classified under one of four groups: General Service, Public Safety, and Management and Supervisory. Each job description can be found corresponding with the group classification below:

**General Service:**

Account Clerk I/II	Assistant Planner	Building Inspector
Bldg Maint./Collection System Coordinator	Code Enforcement Officer	Community Service Officer
Equipment Mechanic	Evidence Technician	Housing Specialist
Maintenance Worker I/II	Office Assistant I/II	Police Evidence Technician
Police Records Technician	Secretary	Senior Account Clerk
Senior Building Inspector	Senior Equipment Mechanic	
Senior Maintenance Worker	Senior Utility Operator	Technician (Planning & PW)
Utility Operator I/II		

**Public Safety:**

Police Officer	Senior Police Officer
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**Management and Supervisory:**

Accountant	Administrative Analyst	Assistant City Manager
Assistant to the City Manager	Associate Planner	Chief Planner
City Clerk/Admin. Secretary	Finance Director	Fleet Manager
Office Manager	Parks and Facilities/Public Works Superintendent	Parks and Recreation Director
Planning Director	Police Chief	Police Commander
Police Records Supervisor	Police Sergeant	Public Works Director
Redevelopment Project Manager		

## **RULE 21     ON THE JOB INJURIES**

### ***Section 21.1       Reporting Injuries***

All employees who are injured on the job must report the injury per the Worker's Compensation program (e.g., forms, phone calls etc.) and to his/her supervisor as soon as possible. All reportable injuries will require the completion of a form (or forms) that will be provided by a supervisor.

### ***Section 21.2       Medical Attention***

If an employee is injured to such an extent as to require medical attention or hospitalization, he or she shall be immediately taken to a physician or hospital of the City's choice, unless an employee has designated in advance of the injury/illness a physician, the employee must do so on the appropriate form; the designated physician would then be used for all injuries.

### ***Section 21.3       Injury Prevention***

The City of Lemoore is committed to providing an injury-free workplace and has set up a committee to review employee injuries. The Injury and Illness Prevention Committee may make recommendations, including discipline, for those employees who disregard safety policies. Additionally, the IIPC may make recommendations to the City Manager concerning safety practices and or methods of preventing injuries from occurring.

## **RULE 22    TECHNOLOGY USE POLICY\***

\*Rule 22 applies to all City Employees, contract employees, consultants, and volunteers.

### ***Section 22.1    Purpose***

To provide directives and procedures for the appropriate business use of City-supplied computer equipment, software, email, internet access, and cell phone usage by employees, and volunteers of the City; to control the potential liability related to the City and to conform to our requirement for records retention; to ensure the security and reliability of the City's computer hardware and networks and the networks of others; and to enhance the productivity, efficiency and effectiveness of City operations.

The use of City-supplied computer equipment and software requires the appropriate, efficient, ethical, and legal utilization of City computer hardware and network resources. The use of computer hardware and resources must support the City's objective and be consistent with the City's mission. Users must abide by the City's policies, administrative directives, procedures, rules, regulations, and guidelines, as well as those of the various departments which are consistent with this policy and which may provide more specific directives to the employees of that department. If a user violates any of the policy's provisions, his or her access to the computer network and use of computer equipment may be denied, and, in the case of City employees, disciplinary action may be taken in accordance with Rule 10 of the Personnel System Guidelines.

Users and their supervisors and department heads are responsible for adhering to the provisions of this directive and supervisors and department heads are responsible for monitoring the use of network resources to be consistent with assigned duties and responsibilities.

### ***Section 22.2    End-User Responsibility***

The City's networks and computers may be used for lawful business-related purposes only, except as specified in Section 22.6 below. Users shall abide by all applicable contract provisions as well as federal, state, and local statutes, ordinances, rules and regulations, including, but not limited to, provisions relating to copyright protection. Only City acquired, legally obtained software programs or lawfully acquired software programs approved in writing by the Network Manager are to be installed and/or used on City computers and cellular phones and all software will be installed by designated staff. Use of City computer equipment and cellular phones to run other than City-acquired and/or authorized software is prohibited. City-owned software shall not be copied for personal use.

Computers and related equipment, other than assigned laptops, may not be removed from the workplace, or moved to other locations within City facilities, unless approved in writing by the department head and appropriate staff.

### ***Section 22.3    Use of City Technology Resources***

All City electronic information systems, hardware, software, temporary or permanent files and any related systems or devices created or stored on the City's computers are the property of the City and may be subject to public disclosure under the Public Records Act, cooperation with law enforcement or litigation. If disclosure of e-mail messages (or any other data files) should be required under the Public Records Act, cooperation with law enforcement, or other lawful requests (despite the designation of any message as "private" or "confidential"), the City shall not be liable for this disclosure in any way.

All City-issued computer user IDs must remain available to access by the City at all times. Computer resources belonging to the City of Lemoore are not unlimited. Network bandwidth and storage capacity all have finite limits, and all users connected to the network have a responsibility to conserve these resources. The City provides various computer systems and Internet access for legitimate business purposes. Use of the Internet by City employees is permitted and encouraged where such use is suitable for business purposes and supports the goals and objectives of the City. The Internet is to be used in a manner that is consistent with the

City's standards of business conduct and as part of the normal execution of an employee's job responsibilities. While certain limited personal use of the system may be acceptable; certain acts are strictly prohibited. These acts include, but are not limited to, sending mass mailings or chain letters, spending excessive amounts of time on the Internet for personal business, playing games, engaging in online chat rooms or groups, uploading or downloading large files for personal use, or otherwise creating unnecessary loads on network traffic associated with non-business related uses of the Internet. Accessing, viewing or copying any materials, which may be deemed suggestive, pornographic or offensive, is never permitted.

### **Section 22.4     *Monitoring of E-mail and Internet Usage***

These computer systems are provided for official City business. The information in the computer and the employee's use of the computer is subject to the City's review and control. Therefore, the City reserves the right, without notice, to have access to and/or review and/or monitor any user's workstation and all the information stored therein; users should not consider any of the material transmitted via network resources or stored in the City's computer systems to be personal, private, or confidential. The City reserves the right to monitor Internet use for each user, including sites visited, and the duration of each visit to assure compliance with this policy. Users shall have no right or expectation of privacy as to any information, data, document, image, record, or file maintained, transmitted, or stored in or on the City's electronic resources.

### **Section 22.5     *Personal Use of the Technology***

The use of City computer equipment for personal purposes, including sending and receiving e-mails and access to the Internet, shall be limited to brief, infrequent usage to deal with personal matters that can only be addressed during the work day. Such personal use shall be conducted in a way to make it clear that the employee is not representing the City. Such use may be made only during the time an employee is relieved from duty, such as during breaks or lunch period. No personal use of City computer equipment shall interfere with the efficient provision of work by an employee. All files and e-mails, even if sent as authorized incidental personal use of the computer, are the property of the City and users can have no expectation of privacy in or ownership of same. Any and all e-mails, files, work product, etc. may be subject to disclosure as public records. Employees utilizing any City equipment for such personal use are still required to comply with the other provisions of this policy. Personal use is a privilege, which can be revoked at any time.

Under certain circumstances, it may be useful to download information from the Internet. However, such downloading should be done sparingly and subject to these policies and guidelines. If you are in doubt about the advisability or need for downloading any particular information, contact your manager for guidance. Do not download anything unless and until you are certain that its owner has expressly permitted it to be downloaded. Additionally, you should be aware that many Internet sites maintain records of who accesses (or visits) them and what, if anything, is downloaded from their site.

The use of City-provided computer equipment and network resources for an individual's participation in, including but not limited to charitable, political or religious purposes, commercial use or profit, employees association/union business, or for outside employment is prohibited. This includes notices/solicitations for donations.

### **Section 22.6     *Online Communications***

Users are prohibited from transmitting, including forwarding, any inappropriate material on or through any of the City's networks. Inappropriate material includes, but is not limited to material that;

- ◆ is unlawful or illegal;
- ◆ is pornographic or obscene;
- ◆ is threatening;
- ◆ is abusive;
- ◆ is libelous or defaming;
- ◆ is offensive;
- ◆ encourages or incites conduct that would constitute a criminal offense;

- ◆ restricts or inhibits other users from using the system or interferes with the efficiency of the computer systems;
- ◆ conducts any political activity;
- ◆ engages in any activity for personal gain or personal business transactions;
- ◆ violates the City's harassment policies; and /or
- ◆ Could potentially lead to civil and/or criminal liability or adverse publicity for the City, its officers and/or employees.
- ◆ Internet streaming of video or radio that is not job related, such as a training webinar.
- ◆ Social networking websites such as Facebook, My Space, Tweeter, etc. unless directly related to City business.

The City has the sole discretion to determine whether material is inappropriate. The City also reserves the right to remove any inappropriate material from its software/hardware. If you receive an inappropriate e-mail message under these guidelines, you are to report it immediately to Human Resources and appropriate technology staff.

### **Section 22.7     *Security/Authorized Users/Passwords***

Network accounts are to be accessed only by the authorized user of the account and the system administrator. No employee, including system administrators, other information system support staff, or an independent contractor is allowed to access e-mail or other data files except for purposes related to City business. The confidentiality of passwords and user accounts shall be protected for security purposes. No passwords may be shared with anyone that is not employed with the City and shall only be shared for business purposes. Users with administrator rights may **not** share passwords. Individual users will be held accountable for the use of their account by others, unless such use occurred through no fault of the user.

Users may not attempt to circumvent user authentication or security of any host, network, or account. This includes, but is not limited to, accessing data not intended for the user, logging into a server or account the user is not expressly authorized to access, or probing the security of other networks. Users may not attempt to interfere with service to any user, host, or network. This includes, but is not limited to; "flooding" of networks, deliberate attempts to overload a service, and/or attempts to "crash" a host. Users may not use any kind of program/script/command, or send messages of any kind, designed to interfere with another user's session, via any means, locally or by the Internet. Users who violate network security may incur criminal and/or civil liability as well as disciplinary action.

All employees must safeguard the City's confidential information, as well as the confidential information of residents, customers, and others held by the City, from unauthorized or improper disclosure. Employees should be careful about accessing new voice mail or e-mail messages with others present. Messages or other computer files containing confidential information should not be left visible while an employee is away from his or her work area. Employees should lock their screen, logout, or shut down before leaving their computers for the day. E-mail messages containing confidential information should include the following statement or its equivalent. In all capital letters at the top of the message: "CONFIDENTIAL: UNAUTHORIZED USE OR DISCLOSURE IS STRICTLY PROHIBITED."

All employees are required to comply with the administrative policy regarding identity theft prevention.

### **Section 22.8     *Electronic Mail***

Employees should use care when sending e-mail messages from City-owned equipment and from City-supplied e-mail addresses. Care should be taken to ensure that all messages are polite and professional. All communications with the City's electronic resources should be held to the same professional standards to which City communication in other mediums are held. Such messages must be thoughtfully drafted with carefully chosen words. This is especially important given the sometimes permanent nature of the information created. Sent messages should not contain any statements or words that the sender would not want made known to others. Any problems should be worked out face-to-face, not through e-mail. As noted in Section

22.7, above, the confidentiality of electronic mail cannot be assured.

### ***Section 22.9 Recordkeeping for E-Mail Messages***

As with all City correspondence, it is important to keep a record of e-mail messages sent and received during the course of business. E-mail does not generally leave a "paper trail" to follow. Without proper recordkeeping, there may be no way to prove the contents of a message or that it was ever sent or received. All e-mail should be filed with other documents concerning the project, vendor, customer or subject of the communication in the same manner as written correspondence. However, refer to any, standing records retention policies to determine how long e-mail records should be kept and when they should be destroyed. Each user must make sure that his/her e-mail gets reviewed and deleted in a timely manner. Be sure to check your "sent" and mailboxes as well as your file folders periodically. A failure to clear e-mails out of the system on a regular basis may create computer system problems, as the system has a limited capacity.

### ***Section 22.10 Viruses***

Software received from the Internet and other sources could introduce damaging computer viruses into the City's computer systems and network. These viruses can also make their way onto employees' home computers if an infected diskette is taken home from the office. The City has software installed to screen and remove such viruses before they are activated. Do not decompress files, run, or install any programs on City-owned computer systems.

### ***Section 22.11 Obscenity and Harassment***

Downloading and displaying or disseminating materials, which may be considered by some to be obscene, racist, sexist, or otherwise offensive, may legally constitute harassment by creating a hostile work environment. This is no different from telling racial jokes or displaying a "pin-up" calendar in the office. Such actions are expressly forbidden. Moreover, they may subject an employee to disciplinary action.

### ***Section 22.12 Defamation, Harassment and Libel***

Posting information of the Internet, in whatever fashion, is no different from publishing information in the newspaper. If a posting is alleged to be defamatory, harassing or libelous, both the employees making the posting and the City could be subject to claims for monetary damages. Keep in mind that e-mail intended as a private communication could be forwarded, copied or otherwise published without your knowledge or authorization.

### ***Section 22.13 Cellular Telephones***

City employees who need to utilize cellular telephones while operating a motor vehicle should use a handsfree device as required by California law. Further, California law prohibits reading or writing any text while driving.

All employees will abide by the vehicle use policy.

Any violation of the provisions of this Rule may result in disciplinary action, pursuant to Rule 10.

## **RULE 23     DRUG-FREE WORKPLACE POLICY**

### ***Section 23.1     Introduction***

In compliance with the Drug-Free Workplace Act of 1990 (Government Code Section 8350 et seq.), the City of Lemoore has established a Drug Free Workplace Policy and Drug Free Awareness.

### ***Section 23.2     Drug-Free Workplace Policy***

It is unlawful to manufacture, distribute, dispense, possess, or use a controlled substance. Any employee found to be in violation of the above statement will be subject to the drug free policies and procedures adopted by the City. If a violation occurs, employees may be subject to disciplinary action, as specified under Rule 10 of these guidelines.

The City has determined to educate its employees on their Drug-Free Workplace Policy.

As part of its Drug Free Policy, the City has established a Drug Free Awareness Program to educate their staff about the City's policies. Under the Drug Free Awareness Program, employees will be informed that:

- The use of prescription or illegal drugs can be dangerous at work;
- Employees under the influence of prescription, over the counter, or illegal drugs shall not operate any equipment that could cause injury to themselves or others.
- The City has an adopted policy of maintaining a drug free workplace;
- The employee could be subject to disciplinary acts, including termination if they use drugs at work;
- The City has an Employee Assistance Program if an employee believes he/she may have a substance abuse problem.

If a department head/supervisor has reasonable suspicion that an employee is under the influence of alcohol or a controlled substance while in the work place or subject to duty, the employee may be required to submit to a drug and alcohol analysis provided at the City's expense. "Reasonable suspicion" shall be defined as suspicion that an employee is using or has drugs or alcohol in violation of this policy based on a specific, objective, articulable, documented facts and reasonable inferences drawn from those facts in light of experience. Such facts and inferences may be based upon but is not limited to direct observation, abnormal, erratic or aberrant behavior, or reckless or risky behavior. "Reasonable suspicion" does not require certainty but suspicion based on mere rumor, speculation, or unsubstantiated information of third parties shall not be sufficient to meet this standard.

All employees who may operate any equipment that could cause injury to themselves or others, or any other duty the City determines necessary, may be required to take a pre-employment drug test.





