

# City of Auburn

## Personnel Policy Manual

*~ Rules & Regulations ~*



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## **I. INTRODUCTION**

- A.** This personnel policy manual is intended to provide guidelines for the exercise of management discretion in the personnel area. As such, a series of personnel rules/regulations that are in compliance with current law, as well as present Memoranda of Understanding, are hereby established.
- B.** The objectives of these rules are to facilitate efficient and economical services to the public and to provide for a fair and equitable system of personnel management within the City of Auburn.
- C.** Because the City is a growing and changing organization, it reserves full discretion to add to, modify or delete provisions of this manual at any time. In those instances where possible conflict with current Memoranda of Understanding may arise, the City will “meet and confer” with Union representatives prior to the issuance of any modifications to this manual.
- D.** In referencing this manual as a personnel procedures guideline, employees of the City should check with their department head regarding the status of any change to a particular policy, procedure or practice.
- E.** No individual, other than the City Council, has the authority to enter into any agreement of employment that modifies this City personnel manual.
- F.** This manual is the property of the City and is intended solely for use by the City’s managers and employees. Distribution of this manual outside of the City requires the prior written approval of the City Manager.
- G.** A further purpose of the rules and procedures contained in this manual is to provide an orderly process for the administration of employer/employee relations between the City and employee organizations, and for resolving any disputes regarding wages, hours, and other terms and conditions of employment.
- H.** This manual will be maintained on a routine basis as changes occur. It will be the responsibility of each employee to replace sections of the manual as they are published.

## **II. GENERAL PROVISIONS**

### **A. Equal Employment Opportunity**

- 1. It is the policy of the City of Auburn to provide equal employment opportunity for all applicants and employees. The City does not unlawfully discriminate on the basis of race, color, religion, sex, national origin, ancestry, age, medical condition, physical or mental disability, veteran status, marital status or sexual orientation. The City also makes reasonable accommodations for handicapped and disabled veteran employees. The policy applies to all areas of employment including recruitment, hiring, training, promotion, compensation, benefits, transfer and social/recreational programs. The City shall endeavor to make reasonable accommodations for qualified disabled persons.
- 2. This policy includes the provision that no employee shall harass any other employee on any of the basis listed above. Harassment includes verbal, physical, and visual harassment; solicitation of sexual favors; unwelcome sexual favors; unwelcome sexual advances; and creating or maintaining an intimidating or hostile work environment. Any employee who violates this policy is subject to discipline, up to and including discharge from employment with the City.
- 3. Any incident of harassment, including work-related harassment by City personnel or any other person, should be reported to the employee’s supervisor or the City Personnel Director, who will investigate the matter. In the case of City employees, if harassment is established, the offender will be disciplined, up to and including discharge.

## **II. GENERAL PROVISIONS, cont.**

4. It is the responsibility of every manager and employee to conscientiously follow this policy.
5. As an employer, the City has also adopted an affirmative action plan and is committed to making a good faith effort towards achieving the objectives of Affirmative Action. The City has appointed the Personnel Director to serve as Equal Opportunity Officer. The Affirmative Action Policy is contained in the “Chapter X. Miscellaneous Provisions” of this manual.
6. Any employee having any questions regarding this policy should discuss it with his/her supervisor or the Personnel Director.

### **B. Authority for Rules**

1. These policies and rules are adopted under the authority of Title 2, Article 3, Section 2-3.306 of the Auburn Municipal Code.

### **C. Application of Rules**

1. Unless apparent by their context, these rules shall apply to all positions of employment in the City of Auburn.

### **D. Application of Rules – Memoranda of Understanding**

1. In the event provisions of these rules and/or procedures contradict those included in Memoranda of Understanding accepted by City Council and currently in effect between the City and formally recognized employee organizations, the terms of the Memoranda of Understanding shall prevail. In all cases those provisions of federal law, such as the Fair Labor Standards Act, E.E.O., and any others shall prevail over these rules and any Memoranda of Understanding which may be contradictory to the law.

### **E. Violations of Rules**

1. Violation of these personnel rules shall be grounds for the rejection of hiring applications, removal from eligibility registers, dismissal or other disciplinary action deemed appropriate under the circumstances.

### **F. Amendments to Rules**

1. These rules may be amended by resolution of the City Council, after notice of the intended action has been publicly posted at least 72 hours prior to Council consideration. Proposed amendments or revisions shall first be processed by the City Manager and Personnel Director and reviewed by employee organizations when applicable. They shall then be forwarded to City Council with appropriate recommendations. Any interested person may submit suggestions for revision of the personnel rules to the City Manager for consideration.

### **G. City Rights**

1. The rights of the City include, but are not limited to, the exclusive right to determine the mission of City departments, boards and commissions; set standards of service; determine procedures and standards of selection for employment and promotion; direct City employees; take disciplinary action; relieve employees from duty due to a lack of funds or work or any other legitimate reason; maintain the efficiency of governmental operations; determine the methods, means and necessary personnel by which operations are to be conducted; determine the content of job classifications; take any and all necessary actions to carry out its mission in emergencies; and exercise complete control over the City work force in the performance of work.

## **II. GENERAL PROVISIONS, cont.**

### **H. Employee Rights**

1. Employees shall have the right to form, join and participate in the activities of employee organizations of their choosing for the purposes of representation on matters regarding employer/employee relations.
2. Employees shall also have the right to refuse participation in the activities of employee organizations and may represent themselves in their employment relations with the City. No employee shall be intimidated, restrained, coerced, or discriminated against by the City or any employee organization because of this exercise of rights.

### **I. Separability**

1. If any section, subsection, sentence, clause or phrase of these rules is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of these rules and procedures.

### **J. Hearing Officer Process**

1. The City and the respective employee organizations shall utilize a "Hearing Officer" procedure to resolve grievance disputes prior to submission to City Council for resolution.
2. The grievant and the union may request the City Manager, or his/her duly appointed representative, to appoint a Hearing Officer to hear evidence regarding grievances and make recommendations to the City Council regarding resolution of such grievances.
3. The cost of securing a list of Hearing Officers from the American Arbitration Association and all costs associated with the hearing, including the cost of services by the Hearing Officer, shall be equally paid by the City, the grievance and the union. Each party shall bear the cost of its own attorney fees.

### **K. Nepotism Policy**

1. It shall be the policy of the City of Auburn to not permit the hiring of immediate family relatives within the same department or to allow immediate family members to work under the general supervision of another immediate family member.
2. Examples of general supervision would be as follows:
  - (a) The City Manager with an immediate family member working in the Corporation Yard or any City department under his/her general supervision.
  - (b) The Public Works Director with an immediate family member working in Admin/Engineering, Construction and Maintenance or the Corporation Yard.
3. For the purposes of this policy, an immediate family member or relative is defined as mother, father, sister, brother, spouse, child, grandparent, grandchild, mother/father-in-law, a relative domiciled with the employee or "significant others" domiciled with the employee.



### **III. HIRING POLICIES**

#### **A. Employment Registers – Recruitment**

1. The City Manager or his/her designee shall administer a program of recruitment which will attract qualified persons to City employment. Recruitment efforts may include contact with community groups, other agencies, and individuals through various advertising means for the purpose of soliciting applications from all segments of the population.
2. Applications shall be made on forms provided by the City that require information covering training, experience and other pertinent information.
3. Applications must be signed by the applicant. Resumés may be accepted as supplemental information to the application. Incomplete applications may be rejected by the City.
4. The City may reject an application which indicates that an applicant is deficient in any or all of the position requirements as specified in the position announcement. Applicants may also be rejected for fraudulent completion of an application or if the past record of employment is determined to be unsatisfactory.
5. Notice of rejection shall be mailed to the applicant. Such notice should include the reasons for rejection.
6. Selection procedures shall include determinations of eligibility and relative fitness through examination. An examination may be assembled or unassembled, and may consist of one or any combination of generally accepted testing techniques, including but not limited to: performance tests, written tests, rated interviews, audio-visual tests, ratings of applications or resumés, work performance or promotional potential evaluations. Examinations may include tests of ability, interests, knowledge and skills.
7. The personnel office shall maintain, for a period of one (1) year, employment registers established by examination consisting of the names, addresses and telephone numbers of persons successfully passing examinations, arranged in order of final ratings received. These employment registers shall be by class also.
8. In the event a subsequent position vacancy occurs, these registers shall be used as part of the recruitment process.

#### **B. Types of Appointments**

1. All vacancies in the City shall be filled by eligibles certified from an appropriate employment register; by transfer from another City position to the vacant position; by demotion from a higher City position to the vacant position; or from a re-employment register. The types of appointments are:
  - (a) Probationary Appointment
  - (b) Regular Appointment
  - (c) Provisional Appointment
  - (d) Temporary Appointment
  - (e) Part-time Appointment
  - (f) Emergency Appointment

### III. HIRING POLICIES, cont.

#### C. Requests to Fill Vacancies

1. Wherever a position is to be filled, the department head must submit an appointment request to the personnel office. The personnel office shall:
  - (a) Review the position for validity of classification.
  - (b) Confirm availability of budgeted funds.
  - (c) Secure approval of the City Manager to proceed with selection consideration.

#### D. Selection Procedures

1. Names of persons eligible for appointment from an employment register shall be furnished to the requesting department. After interviews and all relevant investigation, the department head shall submit a recommendation for appointment to the City Manager for approval.
  - (a) Eligibility and relative fitness of applicants for employment or promotion shall be determined by examination. An examination may be assembled or unassembled, and may consist of one or any combination of generally accepted testing techniques, including but not limited to: performance tests, written tests, rated interviews, audio-visual tests, ratings of applications or resumés, work performance or promotional potential evaluations. Examinations may include tests of ability, interests, knowledge and skills.
  - (b) Interview Questions: The appointing authority will use a structured interview format when conducting interviews. The questions and answers will be job-related, and ratings will be based on criteria identified in the job analysis. The rating criteria will be developed prior to the interviews, and each candidate who is not selected will be advised of the basis for non-selection.
  - (c) Verification of a prospective employee's educational or professional certification, experience, or any other statutablely mandated prerequisites to employment should be done by the City before any prospective employee is offered employment. Such reference checking may also include a job related background check of credit and character attributes.
  - (d) Medical Examinations: Contingent upon an offer of employment, the appointing authority shall require a medical examination or any other reasonable evidence of the applicant/employee's health status at the expense of the City for reasonable cause in order to:
    1. Ensure that proper consideration is given to the relationship between each person's health status and the physical, emotional, and environmental demands of the duties he/she is to perform.
    2. Select and retain employees who can be expected to remain in a state of good health for a reasonable period of time.
    3. Medical Fitness and Other Requirements: Candidates selected for transfer must be able to pass any job related medical or other requirements (i.e., breathing apparatus, etc.) specified for the class. It is the responsibility of the transfer applicant to read the Class Specification for Minimum Requirements and other requirements.

## **E. Probationary Appointments**

1. Objective: The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to his position, and for rejecting any employee whose performance is not satisfactory.
2. Duration: The probationary period shall be six (6) months for regular classified and twelve (12) months for police personnel. Management, confidential, and supervisory classes shall also be twelve (12) months.
3. Extension of Time: The appointing authority may, not later than twenty (20) days before expiration of the probationary period, extend the duration of such classes referenced above and notify the employee, giving his/her reason(s) in writing. No extension shall be allowed which would make the total probationary period longer than twelve (12) months for regular and twenty-four (24) months for police employees.
4. Promotional Appointments: The probationary period shall be used in connection with appointments in the same manner as it is used for original entrance appointments except for reasons of just cause. If a person is removed during his/her probationary period following a promotion, he/she may be entitled to reemployment rights in his/her former class.
5. Interruption of Probation Period: If an employee is laid off during a probationary period and his/her services have been satisfactory and he/she is subsequently reappointed within one (1) year from the same Eligible List, he/she may be given credit for the portion of the probationary period completed before he/she was laid off.
6. Dismissal or Demotion During Probationary Period:
  - a. At any time during the probation period, the appointing authority may dismiss or demote an employee if, in his/her opinion, the working test period indicates that such employee is unable or unwilling to perform the duties of the position satisfactorily or that his/her habits and lack of dependability do not merit his/her continuance with the service. Upon such removal, notification in writing shall be sent to the employee. Demotion during probationary periods following promotions shall be carried out pursuant to #4 above.
  - b. Employees who are dismissed or reduced during the probationary period do not have appeal or grievance rights.

## **F. Regular Appointments**

1. Regular appointment is the attainment of regular status in a position following satisfactory completion of the probationary period.

## **G. Temporary Appointments**

1. Temporary appointment is appointment to a position created for a special, temporary purpose for a period not longer than six (6) months. Such appointment may be made from appropriate employment registers, if available.
2. Service in a temporary position may be considered in determining whether an applicant meets employment standards for a subsequent, vacant City position.
3. Temporary employees do not receive any City-paid benefits, including sick leave, annual leave, holiday pay or other fringe benefits.

## **H. Provisional Appointments**

1. Provisional appointment is appointment to a position for which there is not employment register. The candidate must meet the employment standards for the position. An employment register must be established for any regular position filled by a provisional appointment. Provisional appointments shall not extend beyond six (6) months and shall not continue beyond two (2) pay periods after the establishment of an appropriate employment register.
2. Time spent in a provisional position may be considered as probationary time should the provisional incumbent be selected for the regular position.
3. Provisional appointees do not receive any City paid benefits, including annual and sick leave; however, should the provisional appointee achieve regular status through normal selection procedures, then time spent in a provisional status shall count towards the accrual of sick and annual leave.

## **I. Part-time Appointments**

1. Part-time employment is appointment to a position in which the employee will be regularly scheduled to work fewer hours than the employee appointed to a full-time position.
2. Part-time employees do not receive City-paid benefits with the exception of proportionate accrual of sick and annual leave time and paid holidays.
3. Part-time appointments may or may not receive City-paid retirement benefits dependent upon whether they are current members of the Public Employee Retirement System at the time of hire.

## **J. Emergency Appointments**

1. In order to meet the immediate requirements of an emergency condition or situation, the City Manager or his/her designee may, upon their own discretion, employ such person(s) as may be needed for the duration of the emergency without regard to the rules affecting appointments.
2. The City Manager may determine, upon his/her own cognizance, the nature and extent of an emergency condition or situation.

## **K. Reinstatements**

1. Reinstatement After Separation: Upon application, any person who has been separated from City service, without fault or delinquency, may be reinstated by the appointing authority within one (1) year from the date of such separation to any position held prior to such separation or to any position to which transfer or reassignment from that position would be authorized by these rules.
2. Rights Restored: Upon reinstatement, all accrual rights acquired by an employee prior to separation from the service shall be restored except as otherwise provided in these rules.
3. Restoration: The appointing authority may restore an employee at any time to any position previously held by virtue of an appointment from an Eligible List or to any position for which transfer or reassignment would be authorized by these rules, provide his/her service since holding such position has been followed by reinstatement or appointment from a reemployment list which results from a lay-off or deduction in lieu of lay-off. Such restoration may be subject to a physical examination or other test of fitness for duty.

## **L. Transfers**

1. The appointing authority may authorize the transfer of employees from one position to another similar position of the same class or to any other position at the same level and salary requiring similar skills and training.
2. Involuntary Transfers: The least senior employee who possesses the necessary qualifications to perform the assignment as determined by management will be transferred except in cases of incumbents in management, confidential, and supervisory classes who may be transferred from one position to another without regard to seniority as long as they continue to receive the same compensation and benefits. It is not the intent of this provision to use transfers as a punitive or disciplinary action.
3. Voluntary Transfers: To be considered for transfer outside of the employee's current class, an employee must meet the minimum requirements for the class.

## **M. Voluntary Demotions**

1. Upon request of an employee with regular status and with approval of the City Manager, demotion may be made to a vacant position. Demotions may also be used as a substitution for lay-offs. No employee, however, shall be demoted to a position for he/she does not possess the minimum qualifications.

## **N. Announcements of Available Positions**

1. All available positions of employment shall be announced by posting notices on the City bulletin boards and through such other media as the personnel office and the requesting department head deem advisable. The notice shall specify the title, pay range, nature of work, minimum qualifications, date, time, place and manner of making application; closing date of application process; and any other necessary, pertinent data.

## **O. Applications**

1. Applications shall be made on forms provided by the City personnel office. Such forms shall require information regarding training and experience and other pertinent data, including references. All applications must be signed by the applicant; if not signed they will be rejected for job consideration.

## **P. Disqualification of Applicant**

1. The Personnel Director or the applicable department head may reject any application which indicates the applicant does not possess minimum qualifications for the City position.
2. The Personnel Director, in conjunction with the appropriate department head, shall reject an applicant during or after examination for the following reasons:
  - a. With reasonable accommodation, a physical lack of capability to perform the essential duties of the position based upon a medical report.
  - b. Present addiction to the use of narcotics or alcohol.
  - c. Any false statements of material fact or attempted deception, fraud or misconduct related to an application of employment or examination.
  - d. Record of dismissal or resignation from employment for any of the above reasons.

3. If an application is rejected, notice of such rejection with statement of reasons shall be mailed to the applicant. Defective applications may be returned to the applicant with notice to amend and return prior to the application process closing date.

**Q. Medical Examination Upon Employment**

1. A job-related medical examination by a licensed physician, at City expense, shall be required before appointment.
2. The medical examination shall be the normal, customary, basic medical exam, unless the position applied for requires a more detailed, exhaustive exam.

## **IV. PROBATIONARY PERIODS**

### **A. Appointments Subject to Probation**

1. All appointments to positions in the City, inclusive of promotions to a higher classification, shall be subject to a probationary period. The regular period of probation shall be six (6) months for regular, classified positions; twelve (12) months for police personnel, management, confidential, and supervisory classes. With City Manager approval, longer periods of probation may be specified for individual classifications and shall apply to all positions achieving that classification.
2. Extensions of probationary periods up to a maximum of six (6) additional months may be recommended by department heads and must be approved by the City Manager.
3. Probationary periods for all levels of management and Police Department personnel shall be a minimum of one (1) year.

### **B. Evaluation Reports**

1. Department heads shall be responsible for the preparation and submission of performance appraisals (evaluation reports) on all probationary employees.
2. Evaluations should be rendered twice during the probationary period. An interim evaluation at mid-probationary period and again prior to the finalization of the probationary period. In this fashion, the probationary employee is kept informed of progress during this testing period.
3. The department head must recommend regular status upon completion of the probationary period or termination for cause.

### **C. Dismissal of Probationary Employee**

1. During the probationary period, an employee may be dismissed (terminated) at any time, without rights of appeal union representation. Written notice of release designating the effective date of such action shall be furnished the probationer.

### **D. Release Following a Promotion**

1. Any employee released during the probationary period that follows a promotion shall be reinstated to his/her former salary and step, and to his/her former position or a position in the class from which he/she was promoted unless the reasons for release are also cause for dismissal.
2. If no vacancy exists in the promoted employee's former class, the employee with the least seniority in this class shall be demoted to the most recent class in which he/she has satisfactorily served.
3. If any employee is caused to be released from service by such action, he/she shall be placed on a re-employment register for the class from which he/she was released.
4. Any employee who is released during a probationary period following promotion, shall retain his/her rights to appeal dismissal from the City, but not the right to appeal release from the position from which he/she demoted.

### **E. Effective Date of Regular Status**

1. Upon achieving regular status, the effective date of appointment shall revert to the date of initial probationary appointment.

## **V. PERSONNEL RECORDS**

### **A. Employee Personnel “Jacket”**

1. The Personnel Office shall maintain a personnel jacket for each City employee showing name, title, department, current salary, changes in employment status, leave record, application and/or resumé, copies of personnel actions, accident reports, medical reports, Workers’ Compensation reports, training courses completed, commendations, reprimands, other disciplinary actions, IRS required documents, court attachments, and any other pertinent personnel-related documents.

### **B. Confidentiality**

1. All personnel records including applications, examination papers and ratings, eligible lists, etc., shall be considered confidential in nature and shall be made available only to the employee, the City Manager, or the appropriate department head on a “need to know” basis.
2. An employee or his/her duly authorized representative may inspect all pertinent personnel data in connection with a formal grievance or appeal.
3. Requests from prospective employers or financial institutions to validate and verify employment will be responded to with name, class title, current salary, and employment history (i.e., date of hire, positions held).
4. In the event that certain disciplinary actions result in a settlement between the employee and the City calling for the “sealing of date” within the personnel jacket, such data shall be sealed and not released to any party except upon the express authorization of the City Attorney.
5. Prospective employer inquiries regarding medical history, work performance, etc., will not be released unless the City employee has signed a waiver authorizing the release of such data.

### **C. Destruction of Personnel Records**

1. Personnel jackets and all information contained therein are considered as official personnel records.
2. All other records relating to personnel, including correspondence, examinations, test papers, personnel reports and expired employment registers may be destroyed after twenty-four (24) months.
3. Applications on file for more than one (1) year since submittal/renewal shall be destroyed.



## **VI. SALARY ADMINISTRATION**

### **A. Salary Plan**

1. The personnel office, in conjunction with the City Manager, shall annually prepare a proposed salary plan as part of the City budget process.
2. Consideration will be given in such salary plan to any survey data requirements and/or cost of living adjustments that are part of current Memoranda of Understanding with City bargaining groups.
3. As part of salary plan preparation, financial analysis of current and future financial condition of City funds shall be rendered. Such analysis results shall be immediately brought to the attention of the City Manager and Council Finance Committee for the purpose of establishment of a Salary Plan.
4. In the event that the City's financial condition is such that the requirements of a current Memorandum of Understanding cannot be met, as that relates to a salary plan, immediate meet and confer sessions with Union group(s) shall be called for.
5. The City Council shall adopt the salary plan through the City budget process. As such, the salary plan is an integral part of the Proposed Operating Budget present to City Council each fiscal year.

### **B. Pay Tables**

1. Each fiscal year, as part of salary plan preparation, the Finance Department shall prepare pay tables for the management group, non-management group and confidential employees.
2. These pay tables shall show each pay range and all steps within each pay range. Upon adoption of the Operating Budget by City Council, the pay tables shall be published to each City department head and Union representative.
3. Pay table calculations shall be exact. That is, based upon the salary plan, the percentage differences between pay ranges and pay steps shall be calculated utilizing percentages that are carried out to five (3) decimal places (e.g., 5%=.05000). Calculations must be accomplished between each pay step within a pay range and between each pay range.

### **C. Salary Determination at Hire Date**

1. The salary plan may provide a flat, fixed salary rate for a given classification or a salary range for each classification with a minimum, maximum, and one or more intermediate pay steps.
2. The beginning/normal hiring rate of pay shall usually be at the first step of a given pay range. Every new employee shall be paid the first step upon employment except that the City Manager or other appointing authority may authorize employment at a higher pay step if the labor supply is restricted or the person to be hiring is unusually and exceptionally qualified.

### **D. Special Y Rates**

1. A "Y" rate is a special salary rate established by the City Manager. It entitles an employee to receive compensation at a rate of pay higher than that otherwise provided for at the top or maximum pay step of the range a position is assigned or at a pay rate which falls between the pay steps of a pay range established for a given classification.

2. An employee receiving compensation at a “Y” rate may retain such rate of pay after transfer, promotion or demotion only if the City Manager finds, after investigation, that retention of such “Y” rate is consistent with the reasons for which it was originally authorized. “Y” rates shall be reviewed annually by the City Manager, and if the circumstances which supported initial approval no longer exist, he/she may discontinue the special pay step placement (Y rate).
3. The additional compensation allowed for a special pay (Y rate) placement shall not exceed 7.5% of the previous pay rate unless approved by the City Council.

**E. Eligibility for Advancement in Pay**

1. Employees may be advanced to higher pay steps within their pay range as merited by progressive improvement in job skills and work performance. Time-in-step requirements shall normally apply before an employee gains eligibility for a pay step increase as follows:

<u>Step</u>	<u>Time-in-Step</u>
A	6 Months
B	6 Months
C	1 Year
D	1 Year
E	- - -

2. If warranted, an employee who demonstrates outstanding performance may be advanced to the next step prior to completion of the above time requirements. Recommendation must be made by the department head and approved by the City Manager. A special performance appraisal/evaluation should also accompany the recommendation.
3. In determining time-in-step requirements, it shall begin with the effective date of hire, promotion, demotion or transfer where applicable. Each subsequent time-in-step period shall begin with the effective date of the previous step increase.
4. If an employee is on leave of absence without pay for more than one (1) month, such leave period shall be deducted from his/her accumulated time-in-step.
5. An employee must demonstrate the pay advancement is warranted on the basis of job performance. Pay advancement (step increases) are not to be recommended solely because employees are eligible based upon time-in-step accumulations.
6. Attitude, personal conduct, work achievements, attendance, safety alertness, self-improvement, are all factors to be considered when determining the appropriateness of a pay increase.
7. Department heads shall be notified by the personnel office, approximately six (6) weeks in advance of an employee’s approaching eligibility for pay step advancement.
8. The Personnel Office will not render pay step increases to an employee until receipt of a Personnel Action form from the appropriate department head recommending such increase. Personnel evaluations should also accompany the Personnel Action form.

## **F. Performance Reports Required**

1. Performance evaluations shall be required for all employees exclusive of those employees in a temporary or seasonal position.
2. The time period requirements for performance evaluation reports are as follows:
  - a. For six (6) month probationary employees:
    - 1) After three (3) months
    - 2) After six (6) months
  - b. For one (1) year probationary employees:
    - 1) After six (6) months
    - 2) After one (1) year
3. For all regular status employees:
  - a. Each time a pay step increase is to be recommended, a performance evaluation must be done.
  - b. For employees who have achieved the maximum pay step within a pay range, performance evaluations must be done yearly based upon the anniversary date of the classification in which the employee resides.
  - c. Performance reports guide supervisors and department heads in determining whether pay step advancement has been earned.
  - d. Performance reports also provide a vehicle for measurement of an employee's efficiency and effectiveness and provide a self-improvement tool for employees.
  - e. At the discretion of a department head, performance evaluation reports may be prepared at anytime on a given employee, if circumstances so warrant.

## **G. Step Increases – Withholding Thereof**

1. Pay step increases provide a means for rewarding continuous and effective service and performance. They also provide a means for disciplining employees when service and performance are sub-standard.
2. The City Manager has the authority to withhold pay step increases for good cause, and department heads have the responsibility to recommend such action, if warranted.
3. Department heads shall keep their employees informed about their job performance, providing recognition for excellent service and all possible guidance and assistance for improvement on deficient or sub-standard performance.

## **H. Change in Pay Upon Promotion**

1. When an employee is promoted to a different classification, he/she shall normally receive the first step in the salary range for the new position. However, if such pay step does not equal a five percent (5%) pay increase, or subject employee would be eligible (within three months) for a pay step increase in the previous position, the employee may be promoted to a higher pay step within the new pay range with City Manager approval.

## **I. Change in Pay Upon Reclassification**

1. When a position is reallocated to a classification with a higher pay range and the incumbent employee retains the reclassified position, he/she shall normally be advanced to the first pay step in the new pay range, if that results in a five percent (5%) pay increase. If no pay increase results, advancement may be made to the step which results in a five percent (5%) pay increase. When recommended by the City Manager, additional step advancement may be granted.
2. The City Manager may authorize the reclassification of positions provided that any additional compensation allowed for the reclassification shall not exceed 7.5% of the previous pay rate unless approved by the City Council.

## **J. Higher Class Pay**

1. Any miscellaneous employee who is assigned to and performs the duties and responsibilities of a higher class position on an “acting” basis for any reason shall receive the first pay step of the pay range for the higher class position, or that pay step of the assigned position that provides for a minimum of a 5% increase in salary. Such higher class pay shall continue for as long as the assignment continues and the incumbent performs the duties and responsibilities of the higher position.
2. “Assignment” is defined as formal written designation by a department head with City Manager approval. Any miscellaneous employee who performs the duties of a higher position that has not been formally assigned as defined above shall not receive higher class pay.
3. For purposes of higher class pay, any employee formally assigned to a higher class position for a minimum of one full shift of “acting capacity” time is entitled to receive higher class pay for all time so spent in an acting capacity.

## **K. Special Assignments**

1. Special assignments within a classification may be established when duties and responsibilities are of a specialized, unique nature by comparison to other positions within the same classification.
2. Such specialized assignments may be established by the City Manager. Special assignment positions must be reviewed annually by the City Council and either continued or cancelled. If cancelled, the incumbent reverts back to the normal classification from which the special assignment was initially established.
3. Any employee receiving a special assignment designation shall receive a salary increase of not less than five percent (5%) of the present salary. Special assignment positions may receive more than a 5% pay increase. The additional compensation allowed for a special pay assignment shall not exceed 7.5% of the previous pay rate unless approved by the City Council.

## **L. Car Allowances**

1. Car allowances are a special form of compensation provided exclusively to management positions. Such compensation is designed to recognize and provide for reimbursement of the use of personal vehicles in the conduct of City business.
2. For IRS purposes, car allowances are taxable income in that no requirement is imposed upon the recipient to provide documented evidence of vehicle expense in order to receive the allowance.

3. The City shall render payment of car allowances through normal payroll processing on the first paycheck of every month.
4. Car allowances are authorized by the City Council based on the recommendation of the City Manager.

#### **M. Payroll System**

1. The City maintains an automated payroll system. It is an “on-the-fact” payroll system, meaning that pay is rendered for time worked to the end of a pay period just precedent to the pay day. Such a system requires the estimation of time to be worked for the last few days of a pay period with subsequent adjustment(s) for any mis-estimations of time. It also requires a strict adherence to time sheet submission deadlines in order to render the pay in a timely manner.
2. The automated system does not provide for the electronic transfer of funds; therefore, automatic payroll deposits cannot be achieved. To compensate for the absence of electronic transfer, the Payroll Department will physically deposit a check to a designated local bank on behalf of an employee if so requested formally (in writing). See “Direct Deposit of Paychecks” for procedures.
3. Pay Data
  - a. A full range of pay data is maintained within the automated pay system, and pertinent documentation regarding payroll deductions is maintained in the employee personnel jackets.
  - b. Pay data details are maintained as confidential material and not released except upon the request of the employee or a legal body such as the IRS or the courts.
4. Personnel Action Forms
  - a. All changes to an employee’s pay level require the completion of a Personnel Action form that is signed by the department head and approved by the City Manager. Payroll personnel are not permitted to render a pay change without the approved Personnel Action form.

#### **N. Overtime Pay – FLSA Provisions**

1. For miscellaneous employees, other than department heads, any work in excess of the normal 8-hour work day or the 40-hour work week shall be classed as overtime work.
2. This is in keeping with the Fair Labor Standards Act (FLSA), 29 CFR 778.102, CFR 778.106, CFR 548.1, CFR 778.304, et al.
3. Overtime work shall be recognized only when directly ordered or required by the department head or the City Manager.
4. Fraudulent submission of overtime hours is considered to be a serious offense and may result in substantive disciplinary action including, but not limited to, dismissal from City employment.
5. Overtime work when directly ordered by the department head or the City Manager shall be compensated by pay at the rate of time-and-one-half the straight time rate, or time off with pay at a rate of time-and-one-half the straight time hours, at the option of the employee, if so approved by the department head (compensatory time).
6. The final approval of overtime work may not be a delegated responsibility. Only department heads may so approve such work.

7. Compensatory time off maybe accumulated up to a maximum of 40 hours for police personnel, and 90 hours for other employees, and the accumulation may continue if approved by the City Manager.
8. With City Manager approval, overtime work beyond the 40 or 80 hour accumulation limit will be compensated by cash payment at the time-and-one-half rate.

*NOTE: These personnel rules on overtime work do not fully apply to sworn personnel of the Police Department (see police personnel rules and/or current APOA Memorandum of Understanding).*

#### **O. Call-Time Pay and Emergency Overtime**

1. Emergency overtime work arises when an employee is called out to perform unscheduled work as a result of some immediate and unusual circumstances, e.g. public works services in the event of a fire, flood, accident or other similar circumstance.
2. In the event that an employee is called out at times other than normal working hours to perform the duties of his/her position, said employee shall be compensated for the call-out by the payment of two (2) hours pay at the straight time rate or equivalent compensatory time.
3. Emergency overtime shall be compensated by pay or time off at the time-and-one-half rate for actual emergency overtime hours worked.

#### **P. Wage Attachments**

1. There are instances when the personnel office will receive wage attachment orders on City employees. These attachments are usually court-ordered or IRS levies upon wages.
2. Upon receipt of a court-ordered wage attachment or an IRS levy on wages, the personnel office must honor and comply with such legally-ordered attachments.
3. The employee involved will be immediately notified of the attachment and, if so desired, may examine the attachment document in the City personnel office. The personnel office will also notify the employee, in writing, of the date said attachment will be applied against the paycheck.
4. In those instances when the employee is able to resolve the issue and obtain removal of the wage attachment, the personnel office must be in receipt of a reversal document from the court or IRS before stopping the wage attachment.
5. Such attachments are confidential in nature and information regarding same will not be released to anyone other than the employee, the IRS, the court, or the City Manager, if so requested.

#### **Q. Meal Allowance**

1. In the event an employee is required to work an additional four (4) hours beyond a regular 8-hour shift (excluding call-out time and emergency overtime), the employee shall be entitled to receive a meal allowance of \$7.50.
2. Meal allowance is hereby automatically authorized for those persons required to serve as recorder for the City Council or Planning Commission, provided that such employee is required to return for such meeting within 90 minutes of the completion of the last shift worked.

## **R. Part-Time Pay and Benefits Administration**

### **1. Status and Classification:**

- a. Part-time employees hired by the City are defined as those positions working less than a 40-hour work week and on an hourly rate of pay.
- b. Part-timers may be hired as temporary, provisional or regular employees with the approval of the City Manager.
- c. Part-time employees hired into regular positions shall have a probationary period that is proportional to the number of hours worked each week. In other words, if the probationary period of a regular full-time employee is six months and the part-time regular position is half-time scheduled to work 20 hours a week, then the probationary period shall be twelve months.
- d. Part-time employees working any number of hours less than 40 per week shall not be eligible for City-paid benefits.

### **2. Retirement – Part-Time Employees:**

- a. Newly hired part-time employees shall not be eligible for participation in the Public Employees Retirement System (PERS) and, accordingly, will be provided with Social Security or other appropriate benefits in lieu of a qualified retirement plan. Both the employer and employee shall pay the appropriate rates to the Social Security System.
- b. Exception: Newly hired part-time employees who have been PERS members by virtue of a previously held position and are still active members of that retirement system (i.e., you have not elected to withdraw their contributions from the retirement system), must be given retirement benefits according to PERS law. In this instance, the part-time employee shall pay (through payroll deductions) the employee contribution rate and the City shall pay the employer rate.

### **3. Annual and Sick Leave Benefits – Part-Time Employees**

- a. Part-time hourly employees shall earn vacation and sick leave at an accrual rate that is proportionate to the hours worked. For example, a full-time regular position working 40 hours per week earns in the first two years of employment vacation leave at a rate of 8 hours per month, and sick leave at a rate of 8 hours per month.
- b. A half-time regular part-time position working 20 hours per week would therefore earn vacation leave at a rate of 4 hours per month, and sick leave at a rate of 4 hours per month.

### **4. Medical, Dental and Vision Benefits – Part-Time Employees:**

- a. Part-time employees are not eligible for these City-paid benefits.

### **5. Pay Administration – Part-Time Employees:**

- a. Part-time employees will receive step increases within their pay range in a timeframe that is proportional to the number of hours worked on a weekly basis, and this will be a longer period of time than is necessary for a full-time employee to receive a step increase. This policy will not be retroactive. It is effective January 1, 1991, for new hire part-time employees. For current part-time employees, there shall be a 1-year waiting period. It therefore is effective for the current part-time employees on January 1, 1992. The prior practice (similar to full-time employee step increases) will be followed for current part-time employees during the interim period.

- b. For the purposes of this policy on the length of service necessary to receive a step increase, the following categories of part-time employees will be established based upon the range of hours worked weekly;

<u>Part-Time Category</u>	<u>Weekly Range of Hours</u>
½ Time (50% employee)	1 to 20 Hours Worked
¾ Time (75% employee)	21 to 30 Hours Worked
Considered Same as Full-Time	31 to 39 Hours Worked

- c. Again, for the purpose of this personnel policy, the above part-time employee categories shall receive step increases as follows:

1) For Pay Steps B and C Within a Pay Range

- ½ time (1-20 hours) employees shall be eligible for a step increase in one (1) year
- ¾ time (21 to 39 hours) employees shall be eligible for a step increase in nine (9) months
- “31 to 39 hours/week” part-time employees shall be eligible for a step increase in six (6) months

2) For Pay Steps D and E Within a Pay Range

- ½ time (1-20 hours) employees shall be eligible for a step increase in two (2) years
- ¾ time (21 to 39 hours) employees shall be eligible for a step increase in fifteen (15) months
- “31 to 39 hours/week” part-time employees shall be eligible for a step increase in one (1) year

**S. Military Pay vs. City Pay**

1. Military leave shall be granted in accordance with the provisions of State law. All employees entitled to military leave shall give their department head and the City Manager an opportunity, within the limits of military requirements, to determine when such leave shall be taken.
2. Employees who must report for temporary military duty shall provide the City with a copy of their military orders either before, if available, or after the military duty is performed. Employees shall continue to receive their full pay from the City while on military duty, but must reimburse the City their military pay upon return to their City position.

**T. Direct Deposit of Paychecks**

1. As mentioned earlier in these regulations, the City of Auburn payroll system does not have electronic transfer capability.
2. As a convenience to employees, the Payroll Technician will physically deposit an employee paycheck at Wells Fargo Bank upon authorization by the employee.
3. The requesting employee must obtain an authorization form from the personnel office, complete said form, deliver a copy to the bank, and submit the completed original authorization form with a deposit slip to the personnel office prior to the “direct deposit of an employee paycheck” taking place.



## VII. BENEFITS ADMINISTRATION

### A. Vacation Leave Policy

1. Employees should take vacation leave regularly each year, and shall be encouraged to take such leave for the good of the City and the mental and physical well-being of the employee.
2. All employees will be allowed to accumulate two (2) years of vacation leave based upon the employee's particular leave-earning rate.
3. Beyond the 2-year accrual limitation, an employee must use any additional vacation leave earned or lose such additional leave each year.
4. The exception to this rule is for those employees who had their leave balances "frozen" based upon a prior Memorandum of Understanding. However, there may be an instance wherein such an individual could lose additional vacation leave accrued that goes beyond the "frozen" balance + 2 years accrual.
5. Department heads must approve the use of vacation leave and should do so prior to the usage, unless circumstances of a unique nature warrant otherwise.
6. In scheduling vacation leave, department heads should take into account the desires and seniority of employees and, most importantly, the workload requirements of the department.
7. All employees in the City shall be entitled to annual vacation leave with pay except the following:
  - a. Probationary employees while serving their probationary periods. However, vacation credit shall accrue to such probationary employees during the probationary period. A department head with City Manager approval may obviate this policy where, in the opinion of both officials, circumstances warrant the granting of vacation leave during said probationary period.
  - b. Seasonal, temporary employees.
  - c. Temporary employees, except in the circumstance when a temporary incumbent becomes a regular employee; then, vacation benefits shall accrue as in #1 above.
  - d. Provisional employees, except in the circumstance when such an incumbent becomes a regular employee, then vacation credits shall accrue as in #1 above.

### B. Vacation Leave Accruals and Leave Balance Reports

1. All eligible miscellaneous employees shall earn vacation leave credit at the rate of one day (8 hours) per month or 12 days (96 hours) per year for the first two (2) years of employment with the City. Because the personnel system configuration is semi-monthly, the calculation to derive the accrued vacation leave on a monthly basis is:

$$.0462 \times 173.33 \text{ work hours monthly} = 8.007846 \text{ or} \\ 8 \text{ hours monthly or} \\ 12 \text{ days annually}$$

2. All eligible miscellaneous employees shall earn vacation leave credit at the rate of one and one quarter days (10 hours) per month or 15 days (120 hours) per year for three (3) through five (5) years of employment with the City. Because the personnel system configuration is semi-monthly, the calculation to derive the accrued vacation leave on a monthly basis is:

$$.0577 \times 173.33 \text{ work hours monthly} = 10.001141 \text{ or}$$

10 hours monthly or  
15 days annually

3. All eligible miscellaneous employees shall earn vacation leave credit at the rate of one and four tenths days (11.3357 hours) per month or 17 days (136.03 hours) per year for six (6) through ten (10) years of employment with the City. Because the personnel system configuration is semi-monthly, the calculation to derive the accrued vacation leave on a monthly basis is:

$$.0654 \times 173.33 \text{ work hours monthly} = 11.335782 \text{ or}$$

11.336 hours monthly or  
17 days annually

4. All eligible miscellaneous employees shall earn vacation leave credit at the rate of one and three fourths days (14.005 hours) per month or 21 days (168.06 hours) per year for eleven (11) through fifteen (15) years of employment with the City. Because the personnel system configuration is semi-monthly, the calculation to derive the accrued vacation leave on a monthly basis is:

$$.0808 \times 173.33 \text{ work hours monthly} = 14.005 \text{ or}$$

14 hours monthly or  
21 days annually

5. All eligible miscellaneous employees shall earn vacation leave credit at the rate of one and nine tenths days (15.34 hours) per month or 23 days (184 hours) per year for sixteen (16) years of employment with the City. Because the personnel system configuration is semi-monthly, the calculation to derive the accrued vacation leave on a monthly basis is:

$$.0981 \times 173.33 \text{ work hours monthly} = 15.3397 \text{ or}$$

15.34 hours monthly or  
23 days annually

6. All eligible police personnel shall earn vacation leave credit at the rate of 2.125 days (17 hours) per month or 25.5 days (204 hours) per year for the first two (2) years of employment with the City. Because the personnel system configuration is semi-monthly, the calculation to derive the accrued vacation leave on a monthly basis is:

$$.0808 \times 173.33 \text{ work hours monthly} = 17.003673 \text{ or}$$

17 hours monthly or  
25.5 days annually

7. All eligible police personnel shall earn vacation leave credit at the rate of 2.375 days (19 hours) per month or 28.5 days (228 hours) per year for the three (3) through five (5) years of employment with the City. Because the personnel system configuration is semi-monthly, the calculation to derive the accrued vacation leave on a monthly basis is:

$$.1096 \times 173.33 \text{ work hours monthly} = 18.996968 \text{ or} \\ 19 \text{ hours monthly or} \\ 28.5 \text{ days annually}$$

8. All eligible police personnel shall earn vacation leave credit at the rate of 2.542 days (20.334 hours) per month or 30.5 days (244 hours) per year for the six (6) through ten (10) years of employment with the City. Because the personnel system configuration is semi-monthly, the calculation to derive the accrued vacation leave on a monthly basis is:

$$.1173 \times 173.33 \text{ work hours monthly} = 20.331609 \text{ or} \\ 20.332 \text{ hours monthly or} \\ 30.5 \text{ days annually}$$

9. All eligible police personnel shall earn vacation leave credit at the rate of 2.875 days (23 hours) per month or 34.5 days (276 hours) per year for the eleven (11) through fifteen (15) years of employment with the City. Because the personnel system configuration is semi-monthly, the calculation to derive the accrued vacation leave on a monthly basis is:

$$.1327 \times 173.33 \text{ work hours monthly} = 23.000891 \text{ or} \\ 23 \text{ hours monthly or} \\ 34.5 \text{ days annually}$$

10. All eligible police personnel shall earn vacation leave credit at the rate of 3.042 days (24.334 hours) per month or 36.5 days (292 hours) per year for the sixteen or more (16+) years of employment with the City. Because the personnel system configuration is semi-monthly, the calculation to derive the accrued vacation leave on a monthly basis is:

$$.1404 \times 173.33 \text{ work hours monthly} = 24.335532 \text{ or} \\ 24.336 \text{ hours monthly or} \\ 36.5 \text{ days annually}$$

#### 11. Leave Balance Reports

- a. The personnel office publishes each pay period a "Leave Balance Report" which shows both the earnings and usage of vacation leave, as well as sick leave. It is always one (1) pay period behind because of the on-the-fact payroll system that is part of the City's automated accounting system.
- b. The reports are distributed to each department within the City and are available to both employees and department heads. They are to be used to identify individual leave balances and permit employees to see their accrued leave balances. Any suspected or actual errors on the report are to be brought to the attention of the Personnel Clerk.

**C. Part-time Employees - Vacation Leave Accruals**

1. All regular part-time employees are eligible for vacation leave accruals proportionate to the actual hours worked. For example, a half-time (20 hours per week) regular part-time employee of the City shall earn at the rate of one-half (1/2) day (4 hours) per month, or six (6) days per year for the first four (4) years of employment. The length of service requirement for a part-time employee to earn at a given earnings rate is also proportionate to the number of hours worked, vis-à-vis the full-time employee.
2. Regular, part-time, miscellaneous positions which subsequently become full-time regular positions shall have their accumulated leave balances earned as a part-timer carried forward to the full-time position.

**D. Vacation Pay Upon Termination**

1. Upon termination, all accumulated vacation leave, excluding those balances beyond the 2-year maximum limitation, shall be added to the employee's final pay. Vacation pay is at that rate earned by the employee at the time of termination. In the event an employee is retiring, the employee optionally may choose to accept pay for accrued vacation time or use it towards early retirement.
2. In the instance of accrued vacation leave beyond the 2-year maximum limit, the retiring employee may use such excess days toward early retirement.

**E. Vacation Pay Upon the Death of an Employee**

1. In the event of the death of a City employee who is active on the payroll, all accrued vacation time shall be paid to the estate of the employee. Such pay shall be based upon the rate of pay in existence for the employee at the time of death.

**F. Administrative Leave Policy**

1. All management personnel shall be entitled to nine (9) days of administrative leave annually beginning with fiscal year 1992-93. It may be used or cashed in each FY in July. Administrative leave is non-cumulative from year to year. It should be taken one day at a time, if used, unless the City Manager has approved its use for a longer period of time.

**G. Sick Leave Policy**

1. Sick leave shall be allowed in the instance of physical or mental illness and for medical and dental appointments when necessary. Sick leave must be approved by the department head.

**H. Sick Leave Accruals**

1. Sick leave shall be earned at the rate of twelve (12) days per year or one (1) day per month or eight (8) hours per month. Calculations shall be on an hourly basis as follows:

$$.0462 \times 173.33 \text{ hours worked monthly} = 8,007 \text{ hours or } 8 \text{ hours monthly}$$

The calculation above is necessitated by the semi-monthly payroll/personnel system configuration.

2. Initial crediting of sick leave shall be based on service completed to the nearest half month.
3. Sick leave used by employees shall be in increments of one (1) hour.
4. No sick leave or vacation leave shall be earned by an employee on leave of absence without pay.

5. Upon termination, an employee shall receive cash compensation for accumulated sick leave balances in excess of 40 days (320) hours. Compensation for such accumulated sick leave shall be at the hourly rate of pay of the employee at the time of termination or resignation.
6. Upon retirement, and in lieu of cash payment, a miscellaneous employee may choose to apply accumulated sick leave balances toward early retirement.
7. Miscellaneous employees and police personnel may choose to sell back to the City (and receive cash payment) up to nine (9) days (72 hours) annually of accumulated sick leave that is in excess of 70 days (560 hours) on the books. Cash payment will occur on the first payroll in December of each year and is considered taxable compensation to the employee; accordingly, it shall be taxed.
8. Part-time regular employees shall receive proportional sick leave credits based upon the actual hours worked. This is similar to the vacation leave accrual configuration for part-time employees, for example: A 20-hour a week, part-time employee classified as “half time” would receive six (6) days per year of earned sick leave based upon hours worked.
9. Part-time employees subsequently hired as regular full-time miscellaneous employees shall receive their prorated sick leave credits toward sick leave accrual as a full-time regular employee.

#### **I. Sick Leave Usage and Notifications**

1. Miscellaneous employees should notify their immediate supervisor two (2) hours prior to the start of a work day of sick leave absence.
2. Sick leave absences of three (3) days or more require a doctor’s certificate to validate the sick leave usage.
3. Department heads, at their discretion, may require a doctor’s certificate for each absence of sick leave when abuse is suspected.
4. If an employee becomes ill while on vacation leave, the period of illness may be charged to sick leave upon returning to work with department head approval. The department head may, at his/her option, require a doctor’s certificate for the sick leave so charged.

#### **J. Sick Leave Records**

1. Sick leave records shall be maintained by the personnel office and kept within the employee personnel jacket.
2. Upon separation of an employee, any sick leave accumulated balances remaining after payment as provided by these personnel rules shall be cancelled and shall not be restored if a former employee is reinstated to City employment at a later date.

#### **K. Medical and Dental Appointments**

1. Employees should make every effort to schedule medical and dental appointments during non-work hours. When this is not possible, sick leave may be used for these purposes for a minimum of one (1) hour.

## **L. Family Illness – Family Leave**

1. With the approval of the City Manager, any eligible employee may be granted up to five (5) days of family leave per calendar year with pay in the event of illness on the part of a family member. Use of leave with pay for this purpose is intended to apply in serious or unforeseen circumstances where the presence of the employee in the home is needed. For purposes of this section, immediate family shall be defined as mother, father, sister, brother, spouse, child, grandparent, grandchild, mother-in-law, or a relative that is domiciled with the employee.
2. Extended Family Leave: On February 5, 1993, the Family & Medical Leave Act of 1993 was enacted as federal law. This act establishes for the first time on a national basis the right of an employee to take unpaid leave in specified situations. It provides employees, who have been employed with the same employer for at least one (1) year and have worked at least 1,250 hours in the 12-month period immediately preceding the commencement of the leave, with up to 12 weeks of unpaid leave each year in order to care for a newborn, adopted or foster child, a seriously ill parent, child or spouse, or because of the employee's own serious illness. Health benefits offered by the employer must continue to be provided under the same conditions as if the employee were continuing to work.

The following highlights of this law are incorporated herewith into the City of Auburn Personnel Manual:

- a. This coverage is effective on August 5, 1993.
- b. This coverage date is conditioned by collective bargaining agreements in that the effective date of coverage becomes the earlier of the termination of that agreement, or February 5, 1994. For all intent and purpose, Auburn plans to use the August 5, 1993 effective date.
- c. Under federal law, the maximum amount of such leave is twelve (12) weeks.
- d. Upon conclusion of said leave, an employee is entitled to return to the position held prior to the leave or to a position that is equivalent or comparable in terms of duties and compensation.
- e. When such leave is "foreseeable", an employee must advise the employer of the need for such leave not less than thirty (30) days before the leave is to begin.
- f. When the need for leave does not allow for advance notice, the employee is to notify the employer as soon as it is practicable.

## **M. Funeral Leave**

1. Any eligible employee shall be granted funeral leave with pay as necessary, but not to exceed five (5) work days upon the occasion of the death of a close relative. For purposes of this section, close relative is defined as mother, father, sister, brother, spouse, child, grandparent, grandchild, mother-in-law, father-in-law, or a relative that has been domiciled with the employee. Additional funeral leave with pay for travel purposes not to exceed three (3) days may be granted by the City Manager when circumstances warrant such additional leave.

## **N. Jury Duty Leave**

1. An employee summoned to jury duty shall inform his/her supervisor and, if required to serve, may be absent from duty with full pay. Any jury duty pay received by an employee must be reimbursed to the City. Any amounts received by an employee from the courts for mileage or meals is not to be remitted to the City.

## **O. Disability Leave**

1. For an employee injury or disability, falling within the provisions of the Workers' Compensation Disability Act, disability compensation at the rate allowed under said act shall be the basic compensation during the employee's period of disability. In the case of a miscellaneous employee, the first seven (7) days of absence shall be paid by the City as sick leave. Thereafter, the only compensation payable shall be such as shall be payable by the insurance carrier under the Workers' Compensation Act. However, sick leave, if available, may be used by the employee, in which case the compensation rendered by the insurance carrier shall be paid over to the City. During the time the City is required to pay a miscellaneous employee for sick leave while disabled, the City shall be entitled to receive all payments which otherwise would be payable to such employees for temporary disability.
2. This manual does not contain the provisions of disability leave for police officers. Questions concerning this subject must be directed to the personnel office.

## **P. Permanent Disability**

1. Medical care and payments for permanent disabilities incurred in the course of employment shall be as prescribed in the Workers' Compensation Act which is administered by the City's Workers' Compensation Administrator, Bragg & Associates, under the auspices of the Northern California Cities Self-Insurance Fund.

## **Q. Leaves of Absence**

1. The City Manager, upon the written request of a full-time regular employee (temporary and provisional positions excluded), may grant a leave of absence without pay for an initial period not to exceed ninety (90) days. Additional leave, not to exceed a 1-year maximum (inclusive of the first 90 days) may subsequently be granted for good and sufficient reason.
2. Whenever granted, such leaves shall be in writing and signed by the City Manager. Copies of such written approvals for leaves of absences must be placed in the employee's personnel jacket.
3. Upon expiration of such leave, the employee shall be reinstated to the position held at the time leave was granted. Failure of the employee to report promptly at the expiration of such leave or within a reasonable time after notice to return to duty shall terminate all reinstatement rights. Accordingly, any leave without notice or authorization is "Absence Without Leave" and is the basis for summary dismissal.

## **R. Conversion of Benefits – Part-time to Full-time**

1. Regular part-time miscellaneous employees who are subsequently hired as regular full-time employees shall receive prorated credit for their part-time service towards vacation and sick leave balance accruals as full-time employees.
2. For purpose of longevity and continuous service, the initial hire date in the part-time position shall provide the basis on a prorated schedule for counting service time.

## **S. Retirement System Administration**

1. The City of Auburn maintains a qualified retirement plan through the California Public Employees Retirement System (PERS) for all eligible employees.
2. All employees of the City are eligible except for the following:

- a. Part-time employees (except those part-time employees hired by the City who have been active PERS members who must be afforded continued coverage by PERS law).
  - b. Provisional employees.
  - c. Temporary employees.
3. All miscellaneous employees (including management) receive retirement benefits that are fully paid by the City.
  4. The retirement system is administered by the City finance department on behalf of City employees.
  5. The City payroll system calculates the appropriate withholdings (City paid) to be rendered to the retirement system as payment on a monthly basis.
  6. Any questions concerning employee retirement benefits may certainly be directly addressed to the retirement system by City employees, however, the City personnel office is prepared to answer these inquiries or find the answer through discussion with PERS. In many instances, this is a better alternative on behalf of the City employee.

#### **T. Benefits Inquiries**

1. The personnel office is equipped to handle employee inquiries or problems regarding any of the City-paid benefits.
2. More importantly, the City has a medical insurance broker (Mr. Robert Smith) who has been selected to serve as an advocate on behalf of City employees in resolving employee benefit questions regarding medical, dental or vision coverage.
3. Additionally, the broker will resolve any claims issues with the insurance carriers on behalf of employees in an expeditious manner.
4. Employees are encouraged to call Robert Smith at 941-9456 with any of their medical insurance concerns or visit the City personnel office regarding any benefit coverage questions/problems.

#### **U. Employee Assistance Programs**

1. In addition to the normal medical, dental and vision benefits, the City of Auburn also provides an Employee Assistance Program (EAP) on behalf of all City employees.
2. The program is administered by Occupational Health Services (OHS) and provides various forms of psychological services to employees and their dependents, inclusive of drug/alcohol abuse counseling. The program is entirely confidential (the employer is not notified of a particular employee's counseling or problems) and the provider network of psychologists, psychiatrists, social workers, etc. is local to Auburn as well as providers from the Sacramento area.
3. This benefit is City-paid and is available for employees to use at their discretion. The employer may also recommend such services to the employee when the need warrants such recommendation.
4. For a further explanation of the details of this assistance plan, contact the personnel office.



## **V. Life Insurance**

1. The City of Auburn provides for each regular employee \$20,000 of group term life insurance at City expense. Additional amounts of life insurance may be purchased at the employee's expense. Supplemental life insurance may also be purchased by the employee to cover members of the employee's family. The current carrier for the City Life Insurance Plan is American Western Life Assurance Co.
2. Employee inquiries concerning life insurance may be directed to the personnel office or to Mr. Robert Smith, City insurance broker, at 941-9456.

## **W. Deferred Compensation Plan**

1. The City of Auburn also provides a deferred compensation plan on behalf of City employees. It is administered by Hartford Life Insurance Company.
2. While the City does not contribute into the plan on behalf of City employees, any employee of the City may participate in the plan through payroll deduction.
3. The deferred compensation plan is an excellent one, affording City employees the choice of investing in a variety of different investment options and deferring taxes on such wages so invested, thereby raising the effective yield of the investments chosen.
4. Employees may decide to join the deferred compensation plan at any time during their employment with the City. There are no time restrictions (such as open enrollment periods) wherein employees must wait a specified period of time.
5. Any questions regarding the deferred compensation plan should be directed to the City personnel office.

## **VIII. EMPLOYEE HEALTH AND SAFETY**

### **A. Workers' Compensation Program**

1. The City of Auburn maintains a Workers' Compensation Program under the auspices of the Northern California Cities Self-Insurance Fund.
2. The insurance administrator for this program is Sedgewick James, Inc., while the claims administrator is Bragg & Associates, Inc.
3. The Workers' Compensation program is controlled by federal and state law and is designed for the health and safety of the employee.
4. It is a procedurally precise program which carries severe financial penalties for the employer when said procedures are not followed. The Workers' Compensation Reform Act of 1989 established an accident report filing procedure which not only is definitive in nature but also imposes rigid time constraints in reporting work-related accidents. Department heads must be fully aware of these procedures and apply them in a consistent fashion.
5. A discussion of "Accident Reports" and their timely filing is available in these rules under the heading "Accident Reports".

6. For employee injuries falling within the provisions of the Workers' Compensation Program, compensation shall be at the rate provided by law and shall be the basic remuneration received by the employee during the disability period.

## **B. Liability Insurance Program**

1. The City of Auburn also maintains a Liability Insurance Program under the auspices of the Northern California Cities Self-Insurance Fund.
2. The insurance administrator for City liability issues is Sedgewick James; claims administrator is Bragg & Associates, Inc. All liability claims are cleared through the City Clerk's office.
3. Any questions concerning liability issues should be directed to the City Manager or the City Finance Director.

## **C. Accident Reports**

1. As mentioned under the Workers' Compensation Program topic, accidents of employees while at work or on duty must be immediately reported. The Workers' Compensation Reform Act of 1989 specifies in detail the procedure that must be followed if employer penalties are to be avoided.
2. The Employee Accident Report/Claims Form procedure follows:
  - a. Workers' Compensation covers work-incurred injuries and illnesses only; it does not cover illnesses or diseases of non-work origin nor injuries sustained at other than place of employment. If you are unable to decide if any injury is work-related, report it to us and we will make this decision.
  - b. The Workers' Compensation Reform Act of 1989 requires that an employer, within one (1) working day of notice of an injury, provide a claim form to the injured worker or to their dependents in the case of death.
  - c. FAILURE TO COMPLY WITH THIS REQUIREMENT WILL RESULT IN A PENALTY OF UP TO \$5,000 PER OCCURRENCE. NOTICE OF ANY INJURY CAN COME FROM ANY SOURCE, BUT IS NOT LIMITED TO THE FOLLOWING SOURCES:
    1. The injured employee
    2. Co-workers
    3. Treating physicians, by way of a doctor's first report of injury
    4. Family members in the case of a catastrophic or death claim. (If so, the claim form should be sent to the family member, certified mail.)
  - d. When the department manager/supervisor receives notice from any of the above sources, the following procedure must be followed within one (1) working day:
    - 1) The supervisor or department manager needs to complete the employer's section, lines 8-15, of the claim form as follows:
      - Line 8 - Name & address of employer
      - Line 9 - Date employer first knew of injury
      - Line 10 - Date claim form was provided to employee(s)
      - Line 11 - Date employer received claim form (complete this line when/if employee returns claim form)
      - Line 12 - Name & address of insurance carrier or adjusting agency

Line 13 - Signature of employer representative

Line 14 - Title

Line 15 - Telephone number

- 2) Provide the employee with an employee claim for Workers' Compensation Benefits (DWC-1). As the employee to sign and date the "Acknowledgement of Receipt of Employee Claim Form (WC004)".
- 3) Complete the Supervisor's Report of Employee Injury and retain with the acknowledgement form in your file until the employee claim form is returned by the employee.
- 4) If the employee returns the claim form, the "Employee's Copy", the "Employer's Copy", and the "Insurer/Administrative Agency's Copy" should all be forwarded to the person designated to complete the Employer's Report of Occupational Injury or Illness (Form 5020).

#### **D. Injury and Illness Prevention Program (SB 198)**

1. SB 198 State legislation mandates an Illness & Injury Prevention Program for all governmental agencies. It is a program designed to minimize and prevent accidents and injuries to the City work force. It also recognizes the need for safe practices and appropriate equipment in all work spaces in order to prevent illness where possible.
2. The following excerpts are from the 11PP Program package that is in place in each City department.
3. Employees must be given an opportunity to review the 11PP document, and also must be made aware of the safety practices established for each department.
4. The City Manager has overall responsibility for this program, while the Finance Director is the designated City Safety Officer and handles all administrative matters concerning the program.
5. Employees are advised that safety issues are to be brought to the immediate attention of their department heads and may be discussed, if necessary, with either the City Manager or the Finance Director.
6. The responsibility for safety belongs to everyone, and accountability rests as follows:
  - a. **City Council/Board of Directors:** The Council/Board shall be ultimately responsible for the loss control efforts of the City of Auburn. In order to achieve this, Council members shall:
    - 1) Provide direction for the loss control program.
    - 2) Discuss significant losses and make suggestions on recommended improvements in safety programs.
    - 3) Hold personnel accountable for safety and loss control.
    - 4) Monitor the effectiveness of the program.
    - 5) Approve program additions.
    - 6) Discuss loss control and activities regularly.

- b. **City Manager:**
  - 1) Be responsible for overseeing the loss control program.
  - 2) Provide direction to department managers and appointed safety personnel.
  - 3) Act as liaison between the day-to-day operations of the safety program and the director's council/board.
  - 4) Be involved in safety program changes and the program implementation.
  - 5) Review significant accident investigations and make any necessary recommendations.
  - 6) Hold each department manager accountable for safety and loss control.
  
- c. **Appointed Safety Officer/Designated Safety Representative:** The role of the appointed safety officer is to administer, design and maintain the City's safety and health program. To do this, the safety officer is charged with the following:
  - 1) Design and implement the safety program to target losses, exposures to loss, and compliance with applicable government standards.
  - 2) Monitor the effectiveness of the program and make recommendations for change.
  - 3) Conduct, or use someone else to conduct, employee and supervisory safety training.
  - 4) Make recommendations to eliminate, control or engineer unsafe conditions out of the work environment.
  - 5) Conduct periodic safety inspections of all facilities.
  - 6) Participate and be involved in accident investigations.
  - 7) Design, implement and participate in safety committees, as appropriate.
  - 8) Design additional programs to increase the completeness of the City's loss control efforts.
  - 9) In the absence of the safety officer, his/her immediate supervisor shall assume the duties.
  
- d. **Department Managers:** These managers will:
  - 1) Be responsible for the safety of their individual departments.
  - 2) Develop general and specific safety guidelines for their department, with help from the appointed safety officer.
  - 3) Actively participate in accident investigations.
  - 4) Participate in safety committees, as appropriate.
  - 5) Ensure that unsafe conditions and practices are corrected.
  
- e. **Supervisors:** Supervisors are responsible for the safety of their personnel and will:
  - 1) Conduct appropriate safety orientation and training.
  - 2) Conduct accident investigations immediately upon notification of an injury.
  - 3) Conduct safety inspections of their work areas.
  - 4) Ensure that their personnel know, understand and follow established safety guidelines.

- 5) Correct unsafe conditions and practices.
  - 6) Maintain material and equipment in good condition.
  - 7) Provide the necessary personal protective equipment and train personnel in its use.
  - 8) Contribute to the continued success of the safety program.
- f. **Employees:** Employees are responsible for following all written and verbal safety instructions and will:
- 1) Report all injuries no matter how minor to their supervisors.
  - 2) Accomplish their duties using safe work practices.
  - 3) Coach fellow employees on safe work practices whenever appropriate.
  - 4) Notify a supervisor in the event of an observed unsafe condition or practice.
  - 5) Perform only authorized jobs.
  - 6) Actively contribute to the success of the overall safety program.

#### **E. Health Benefits After Retirement**

1. The City will permit a retired employee to continue participation in City-sponsored health insurance programs. The retired employee may continue said coverage until age 65 is reached or he/she becomes eligible for Medicare, whichever is first.
2. The retired employee will pay the full premium cost of any coverage for him/herself and any eligible enrolled dependents.

#### **F. Immunizations**

1. The City will provide immunization shots to any employee whose duties require exposure to infectious diseases.

#### **G. Driving Records Check/Auto Liability Coverage**

1. City New Hires/Fire Volunteers – DMV Check
  - a. Each new City employee and/or fire volunteer upon employment or entry into the Fire Department shall be required to have a DMV check.
  - b. The personnel section of the City Finance Department will perform this task as part of the “new hire” procedures/orientation attendant to entry on the City work force or the Fire Department.
  - c. Because there can be occasion when any City employee or fire volunteer may be required to drive a City vehicle or personal vehicle on essential City business, this requirement is absolute for **all** new hires/new fire volunteers.
  - d. In the instance where a DMV check produces evidentiary material that new hires/new fire volunteers do not possess valid, current driver’s licenses, such evidence will be remanded to the City Manger and the appropriate department head for decision making purposes as to retention on the City work force or within the Fire Department.
  - e. The personnel section of the Finance Department, as an integral part of this policy, will periodically do DMV checks on current City employees/fire volunteers to validate currency on

driver's licenses as part of the risk control procedures required under risk management applications.

- f. In the instance where such periodic checks produce negative evidentiary material, the procedure in paragraph 4) above will be followed.

2. City New Hires/Fire Volunteers – Personal Automobile Liability Coverage

- a. Each new City employee and/or fire volunteer, upon employment or entry to the Fire Department, shall be required to show proof of automobile liability insurance coverage evidencing, at the least, the following minimum coverage:

<u>Coverage</u>	<u>State Requirement</u>
Bodily Injury/each person	\$15,000
Bodily Injury/each accident	\$30,000
Property Damage/each accident	\$ 5,000

- b. In the instance where new hires of fire volunteers do not have such coverage or cannot produce proof of coverage, this personnel issue shall be remanded to the City Manager and the appropriate department head for decision making purposes as to retention on the City work force or Fire Department.

3. Current Work Force/Current Fire Volunteers – Automobile Liability Coverage

- a. Because the Northern California Cities Self-Insurance Fund has adopted a current policy of requiring City participants in the fund to apply these risk control procedures, it is incumbent upon the City of Auburn to gather and file evidentiary material on automobile liability insurance coverage from all current employees and Fire Department volunteers who may have occasion to drive their personal vehicles on City business. Within the environs of risk control applications/procedures, this means virtually all City employees and Fire Department volunteers.
- b. Department heads are therefore instructed to collect evidence/proof of automobile liability insurance from all of their employees who have personal vehicles and submit this proof to the personnel section of the City Finance Department. It will then be subsequently filed in the employee's official personnel jacket.
- c. If the personnel section has not received such documentation by June 1, 1990, all subsequent mileage reimbursements for an employee will be withheld until receipt of proof of automobile liability coverage by the personnel section of the Finance Department.
- d. For the fire volunteers, the Fire Chief will exercise appropriate controls, at his/her discretion, to assure that proof of coverage is available to the City administration.
- e. Once proof of insurance has been established and inserted in the official personnel file, the personnel section will periodically trigger requests to department heads for new proof as insurance renewal dates come due for each City employee and/or fire volunteer.
- f. In the instance of non-receipt of such renewal proof of coverage, paragraphs 3) and 4) above will be exercised by the Finance Department and the Fire Chief.
- g. For the Finance Department the qualifying criterion for withholding subsequent mileage reimbursements will be non-receipt of renewal proof of insurance for 60 days following the

request. In other words, if a request for renewal proof is made on July 10<sup>th</sup> of a given year, and it has not been received by Finance by September 10<sup>th</sup> of the same year, all subsequent mileage reimbursements will be withheld for the employee in question until proof is obtained.

- h. The Fire Chief will exercise appropriate controls at his discretion to obtain the renewal data.

## **IX. DISCIPLINARY PROCESS**

### **A. Policy Statement**

1. There are two primary objectives of a disciplinary system:
  - a. When an individual breaks a rule or behaves inappropriately or incorrectly, the first objective is to change behavior by providing information to the employee about the offending behavior and the alternative behavior that would be acceptable.
  - b. The second is to provide a system of progressive penalties by which the individual is encouraged to refrain from repeating the offense, and thus the organization maintains its norm of behavior.
2. The City of Auburn recognizes the need to inform employees of rules of conduct and the penalties which will be applied for breaking these rules, and also to give managers and supervisors a guide to the steps in applying discipline.
  - a. Counseling: Clarifies person's assignment, evaluates employee's strengths and weaknesses, clarifies/remedies the problem. Counseling is not considered disciplinary action, but is associated with training.
  - b. Verbal Warning: Defines the areas in which improvement is required, sets up goals leading to improvement, informs employee that failure to improve will result in more serious action. A verbal warning is not considered disciplinary action, but is associated with training.
  - c. Documented Verbal Reprimand: A documented verbal reprimand is a formal notice to an employee that further disciplinary action will be taken unless his/her behavior/performance improves. This is the first step in the disciplinary process, and the first time anything surrounding disciplinary procedures becomes part of an employee's personnel file.
  - d. Written Reprimand: Official notification that an employee's performance is seriously below standard, and that continuation or repetition of the performance may result in suspension or discharge.
  - e. Suspension: The temporary removal of an employee from his/her duties without pay. This step is normally taken in cases involving gross misconduct or chronic behavioral problems for which there seems to be no other appropriate response. A department head may offer that accumulated compensatory time or vacation time be surrendered in lieu of the suspension without pay. This offer may be for either part or all of the suspension period.
  - f. Demotion/Reduction of Pay: The placement of an employee into a lower salary range or salary step is normally taken in cases involving gross misconduct or chronic behavior problems for which there seems to be no other appropriate response.
  - g. Discharge: The permanent removal of an employee from the service.

## **B. GENERAL PROVISIONS**

1. The City Manager may discharge, suspend, demote, reduce in pay, or otherwise render discipline to all employees of the City.
2. Department heads, with the approval of the City Manager, may suspend employees of their respective departments for a period of five (5) days or less.
3. Disciplinary action taken against an employee holding regular status shall be subject to appeal and review in the manner hereafter provided.
4. Department heads, with the approval of the City Manager, may discharge any probationary employee without cause. There is no appeal for such discharge.
5. Department heads, with the approval of the City Manager, may extend the probationary period of a probationary employee without cause. There is no appeal for such extension.

## **C. SHORT AND LONG TERM DISCIPLINE**

1. Short term discipline is any suspension of an employee for a period of five (5) days or less.
2. Long term discipline is any suspension of an employee for a period greater than five (5) days. Demotions to a lower pay step or range are also considered long term discipline.

## **D. GROUNDS FOR DISCIPLINE**

1. Each of the following constitutes cause for suspension, reduction in rank, demotion, dismissal of an employee, or other non-exclusive actions:
  - a. Fraud in securing or maintaining employment
  - b. Inefficiency
  - c. Neglect of duty
  - d. Insubordination
  - e. Dishonesty
  - f. Use, abuse or possession of controlled substances, intoxicants or drugs while on duty, or off-duty use which impeded performance
  - g. Addiction to the use of narcotics or habit forming drugs
  - h. Absence without leave (including abandonment of position)
  - i. Discourteous treatment of a member of the public or another employee
  - j. Improper political activity as defined by Federal/State law
  - k. Misuse of City property
1. Violation of any of the prohibitions set forth in the Penal Code or the California Administrative Code, and any violation of the policies or regulations of the City or provisions of the Memorandum of Understanding in effect.



- m. Conviction of a felony or conviction of a misdemeanor involving moral turpitude. A plea or verdict of guilty, or a conviction following a plea of nolo contendere, to a charge of a felony or any offense involving moral turpitude, is deemed to be a conviction within the meaning of this section.
- n. Misuse of sick leave, including excessive or patterned absenteeism or tardiness.
- o. Sexual harassment or other abuse of employees.
- p. Any other failure of good behavior either during or outside of duty hours, which is of such nature that it causes discredit to the City or his/her employment.

**E. DISCIPLINARY APPEALS**

1. Reprimands:

For disciplinary action involving a Documented Verbal Reprimand or a Written Reprimand, there is no appeal. The employee may file a written rebuttal, however, this must be received by the employee's department head within seven (7) calendar days. Documented Verbal Reprimands, Written Reprimands and any written rebuttal will be placed in the employee's official personnel file which is maintained in the City Personnel Department.

2. Short-term Discipline:

For disciplinary action involving suspensions of five (5) days or less, the appeal process shall, when so requested, consist of:

- 1- A hearing by the City Manager. The appeal to the City Manager must be made within fourteen (14) calendar days of the receipt of the filing of charges from the department head.
- 2- In the event the disciplined employee wishes to appeal the City Manager's decision, the City Council will review the issue and their decision shall be final. The appeal to the City Council must be made within seven (7) calendar days of the receipt of the City Manager's decision.

3. Long-term Discipline:

a. For matters beyond short term discipline, the appeal process shall, when so requested, consist of:

- 1- Requesting the City Manager, or his/her duly appointed representative, to appoint a Hearing Officer utilizing the services of the State of California Mediation/Conciliation Service to hear evidence and make recommendations to the City Council regarding the resolution of such appeals. The appellant must request the appointment of the Hearing Officer within fourteen (14) calendar days from the date the appellant has received the decision of the City Manager, or his/her duly appointed representative, pursuant to the "Skelly" conference. Failure of the appellant to request the appointment of a Hearing Officer within the fourteen calendar days constitutes a waiver of the appeal process and the matter will be considered settled on the basis of the last employer response.
- 2- If the appellant requests that another Hearing Officer be appointed, within fourteen (14) calendar days after receipt of a request for the appointment of the Hearing Officer, the City Manager/duly appointed representative shall attempt to reach voluntary agreement with the appellant as to the appointment of another Hearing Officer.
- 3- Failing to reach voluntary agreement within fourteen (14) calendar days of receipt of the request for the appointment of a Hearing Officer, the City Manager/designee shall

obtain a list from the American Arbitration Association, State Mediation Conciliation Service of five (5) persons who are qualified to serve as Hearing Officer. Upon receipt of the list, the parties shall meet to select a Hearing Officer from the list. The costs of such jointly elected Hearing Officer shall be shared equally between the parties.

#### **F. EMPLOYEE EXPECTATIONS**

With respect to discipline, permanent employees within the classified service are entitled to the following non-contractual expectancies:

1. Employees have a right to know what is expected of them and what the consequence will be of not fulfilling those expectations.
2. Employees have a right to consistent and predictive employer responses to violations of rules.
3. An employee has a right to fair discipline based on facts.
4. An employee has a right to question the facts and present a defense.
5. An employee has the right to appeal the disciplinary action, as described in this chapter.
6. An employee has the right to progressive discipline, however, certain violations in and of themselves, may be cause for discipline, up to and including discharge.
7. An employee has a right to be considered as an individual with respect to possible mitigation.

#### **G. CITY EXPECTATIONS**

With respect to discipline, the City is entitled to the following expectancies:

1. The City has the right to establish and affix penalties not inconsistent with similar cases as they relate to discipline.
2. The City has the right to expect employees to follow City rules, policies, practices and procedures reasonably related to the orderly, efficient and safe operation of the City.
3. The City has the right to investigate and document incidents of wrongdoing which could result in a violation of the disciplinary policy of the City.
4. The City has the right to establish reasonable standards of job performance.
5. The City has the right to bring perceived deficiencies to the attention of an employee and to assist the employee in correcting deficiencies.
6. Management has the right to initiate disciplinary action.
7. Management has the right to employee cooperation in modifying behavior following negative work flow conference, counseling session, or progressive disciplinary steps.

#### **H. REVIEW BY CITY MANAGER**

1. Prior to administering long term discipline, a department head considering such discipline which consists of discharge, suspension without pay, demotion, or cancellation of wages for a specified period, must first review such action with the City Manager.

2. No department head shall impose any long term discipline greater than that recommended by the City Manager except in the instance of express authorization by City Council.
3. Department heads may impose any short term discipline with the approval of the City Manager.

**I. NOTICE OF ACTION – SHORT TERM AND LONG TERM DISCIPLINE**

1. After conducting an investigation and finding just cause, the department head shall serve the employee with a written notice of proposed disciplinary action (a copy should be routed to the employee's office personnel file in the personnel office). This notice must include the following:
  - a. Name of employee.
  - b. A reference to the section of the Personnel Rules or the Municipal Code that has been violated.
  - c. The proposed disciplinary action.
  - d. The reasons for which the disciplinary action is proposed.
  - e. The date the proposed action is to be effective.
  - f. Copies of all written materials, reports, or documents upon which the action is based.
  - g. A statement informing the employee of rights to respond either in writing or orally to the department head within seven (7) calendar days.

**J. FILING OF CHARGES – SHORT TERM DISCIPLINE**

1. At the expiration of the seven (7) calendar day time limit, and after investigating and considering all responses of the employee (Skelly Hearing), the department head, with the approval of the City Manager, shall file a written order of the disciplinary action with the employee.

**K. FILING OF CHARGES – LONG TERM DISCIPLINE**

1. At the expiration of the seven (7) calendar day time limit and after investigating and considering all responses of the employee (Skelly Hearing), the department head shall file a written order of proposed disciplinary action with the City Manager and the employee.
2. The City Manager shall review all materials and evidence within seven (7) calendar days of receipt and, if so determined, serve upon the employee the approved disciplinary action order.
3. No disciplinary action that has been approved by the City Manager shall cause personnel action until the proposed discipline has become effective as defined in Chapter IX Section M "Effective Date of Discipline".

**L. INTERIM SUSPENSION WITH PAY**

1. Pending an investigation by the City Manager/department head of charges rendered against an employee, the department head may, in writing, order the subject employee placed on immediate paid leave of absence pending the completion of the investigation and subsequent discipline, if warranted.
2. Such suspension may only be made if the department head and City Manager determine that the security or efficient operation of the affected department requires such suspension.
3. No suspension with pay shall be valid unless approved by the City Manager.

**M. EFFECTIVE DATE OF DISCIPLINE**

1. Discipline shall become effective when either the employee has not filed an appeal per Chapter IX Section O, or at the conclusion of a hearing (Hearing Officer process).
2. If appeal review by City Council is requested by either the City Manager or the employee, then discipline pending shall become effective with the rendering of a decision by City Council.

**N. "SKELLY RIGHTS"**

1. The "Skelly Conference" meets requirements for due process review prior to the imposition of either short term or long term discipline against any City employee who cannot be dismissed without cause.
2. Prior to the imposition of any short term or long term discipline the employee is entitled to respond to charges and/or the proposed discipline to the person who is proposing the discipline. This conference is not a hearing; it not the time for confrontation of witnesses, cross-examination or submission of evidence.
3. The employee has a right to be represented and may choose to appear with or without a representative. This representative can be anyone the employee chooses, other than another employee involved in the same action.
4. The person proposing the disciplinary action is designated as the "Skelly Officer" and is responsible for setting up the conference, which should be held no later than seven (7) working days after the employee receives their "Notice of Action".
5. Actions involving other employees, such as first time probationers and demotion of permanent employees serving subsequent probationary periods, are not affected by this section.

**O. APPEAL PROCEDURE**

1. An employee, receiving a short term disciplinary action from a department head and having the right to appeal such a decision, may file a written request for an appeal. Such request must be filed within fourteen (14) calendar days of the receipt of notice of said short term disciplinary action.
2. The request for an appeal shall contain the following:
  - a. The name of the employee requesting the appeal.
  - b. The name/address/phone number of the employee's representative
  - c. The date that the request for an appeal was prepared.
  - d. All known reasons or grounds, and the supporting facts, upon which the employee is requesting such appeal (i.e. discrimination, failure to follow progressive discipline, etc.)
3. The appeals process for short term discipline as outlined in Chapter IX Section E shall then be followed.
4. An employee receiving a long term disciplinary action approved by the City Manager, and having the right to appeal such a decision, may file a written request for an appeal. Such request must be filed within fourteen (140) calendar days of the receipt of notice of said long term disciplinary action.

5. The request for an appeal shall contain the following:
  - a. The name of the employee requesting the appeal.
  - b. The name/address/phone number of the employee's representative, if the employee chooses to have a representative.
  - c. The date that the request for an appeal was prepared.
  - d. All known reasons/grounds, and the supporting fact, upon which the employee is requesting such appeal (i.e. discrimination, failure to follow progressive discipline, etc.)
6. The "Hearing Officer Procedure" appeals process for long term discipline as outlined in Chapter IX Section E shall then be followed.

**P. HEARING OFFICER PROCEDURE**

1. An employee may request the appointment of a Hearing Officer to hear findings regarding a management action on long term discipline matters.
2. Such hearing shall take place within a reasonable period of time, but not before seven (7) calendar days after the filing of a request for a hearing.
3. Hearing will be presided over by a Hearing Officer.
4. The employee shall have a right to appear in person on his/her own behalf with counsel or such representative as he/she requests to represent his/her defense. However, if the employee is a member of a bargaining unit in which an exclusive representative has been certified, no other employee organization may represent the employee.
5. The hearing shall be conducted in accordance with the Voluntary Labor Arbitration Rules of the American Arbitration Association in all cases involving disciplinary action, and the Hearing Officer shall use the standard of proper cause in determining the propriety of the City's conduct.
6. The Hearing Officer shall not hear witnesses or take evidence out of the presence of the other party except by default.
7. The Hearing Officer shall be bound by the expressed terms and conditions of the applicable Memorandum of Understanding (MOU), as well as the Personnel Rules and Regulations of the City, in determining the validity of the City's action(s), and shall not have authority to recommend any additions or deletions to the MOU or any provisions of the City Personnel Rules and Regulations.
8. In the conduct of the hearing, the Hearing Officer shall hold the hearing to make findings of fact and recommendations to both parties within thirty (30) calendar days of the Hearing Officer's selection and appointment.
9. The Hearing Officer shall be obligated and bound to render his/her findings and recommendations within thirty (30) calendar days following the close of the hearing.
10. The Hearing Officer shall submit his/her findings and recommendations in writing to the City and the appellant.
11. The Hearing Officer's recommendations shall be final and binding upon the appellant and the City, if accepted by the City Council.

12. The City Council shall accept the findings and recommendations of the Hearing Officer in its entirety, unless it finds that the Hearing Officer has:
  - a. Exceeded his/her authority;
  - b. Committed a serious procedural error;
  - c. Made a finding or conclusion unsupported by the record.(In no circumstance shall a remedy require special legislative action.)
13. Council action accepting or rejecting the findings and recommendations of the Hearing Officer shall take place at the next regular Council meeting, unless said meeting is scheduled within less than seven (7) calendar days of receipt of the Hearing Officer's decision.
14. The City Manager or the appellant may request City Council review of the Hearing Officer's decision as limited by the conditions stated above.
15. Such request must be submitted in writing to the City Clerk within seven (7) calendar days after receipt of a copy of the Hearing Officer's decision.
16. Review by City Council shall be made within fifteen (15) calendar days after the request for review is received.
17. The City Council may approve, modify or reverse the decision of the Hearing Officer, and its decision shall be final.

**Q. HEARING PROCEDURE**

1. The Hearing Officer shall conduct the hearing and shall rule on questions, evidence and procedure.
2. Either party may call witnesses, introduce evidence, testify and question witnesses.
3. The charging party has the burden of proof and shall first present evidence and testimony.
4. The customary order of proceedings is:
  - a. Opening statement by the initiating party followed by a similar statement by the other side.
  - b. Presentation of evidence, witnesses, and arguments by the initiating party.
  - c. Cross-examination by the other party.
  - d. Presentation of evidence, witnesses, and arguments by the defending party.
  - e. Cross-examination by the initiating party.
  - f. Summation by both parties, usually following the same order as in the opening statements.
5. Hearings may be recorded at the request of either party with such expense being borne equally by the parties.
6. If the parties want to file written post-hearing briefs or other data, time limits shall be set by the Hearing Officer, and the hearing shall remain open until these documents are received.

7. After both sides have had equal opportunity to present all their evidence, the Hearing Officer shall declare the hearing closed.

**R. DECISION**

1. Hearing Officer – The recommendation of the Hearing Officer shall be submitted to the employer and shall be in writing summarizing the facts, setting forth findings, and making a recommendation decision. A copy shall be served by regular U.S. Mail upon the appellant.
2. Employer – The decision by the Hearing Officer shall be final unless the City Council, no less than seven (7) calendar days following the receipt of the decision, determines the Hearing Officer:
  - a. Exceeded his/her authority;
  - b. Committed a serious procedural error;
  - c. Made a finding or conclusion unsupported by the record.
3. City Council – Should the Council decide to review the matter, it is its prerogative to review the existing records and finds, to call additional witnesses, or to conduct its own hearing pursuant to “Procedures for Disciplinary Hearing Before the City Council”. In any event, the findings and conclusions of the City Council will be made within twenty-eight (28) calendar days of its decision to review the matter, and it shall be final.

**S. COUNCIL AS FINAL ARBITER**

1. Either the City Manager or the employee may request City Council review of a Hearing Officer decision. Such request shall be submitted in writing to the City Clerk within seven (7) calendar days after receipt of the Hearing Officer decision.
2. The City Council may approve, modify, or reverse the decision of a Hearing Officer, and its decision shall be final.
3. The findings and conclusions of City Council shall be made within twenty-eight (28) calendar days of the receipt of a request.

**T. DEMOTIONS/REDUCTIONS IN PAY**

1. A department head, with City Manager approval, may demote an employee whose ability to perform his/her required duties falls below standard and remains so after disciplinary action has been implemented against the employee. Demotion falls within the definition of long term disciplinary action.
2. Also, for disciplinary purposes, an employee may be demoted, however, no employee shall be demoted to a position for which he/she does not possess the minimum qualifications.
3. In those actions specified above, the employee shall have “Skelly Rights”, if so eligible.
4. Written notice of demotion shall be given to the employee before or within seven (7) calendar days of the effective date of the demotion. A copy must be sent to the City Personnel Officer.

## **X. EMPLOYEE GRIEVANCE PROCESS**

### **A. Purpose**

1. In order to establish harmonious and cooperative relationships between the City and its employees, and to keep open channels of communication, it shall be the City's policy to provide for the settlement of differences through an orderly grievance procedure. It is the City's policy to assure its employees the right of access to this procedure, free from interference, restraint, coercion or reprisal for its reasonable use. The procedure applies to all employees of the City in the bargaining unit.

### **B. Definition of Grievance**

1. A grievance is a complaint of an employee or group of employees alleging unfair treatment resulting from a management decision, or concerning the interpretation or application of this agreement, or the City rules or regulations governing personnel practices or working conditions, within the control of management and for which there are no other procedures in existence which may be used to resolve such problem. The status of employees as probationary employees is governed exclusively by the City's personnel rules. Disciplinary actions and appeals are governed exclusively by various sections of the City's personnel rules.

### **C. Employee's Right Representation**

1. An employee shall have the right to be represented by an employee representative at all times and at every formal step in the grievance procedure. An employee shall have the right to be represented by a union agent or attorney at all times and at every step in the formal grievance procedure.

### **D. Informal Grievance Procedure**

1. All persons having a grievance shall make every effort to resolve such grievance by discussion with his/her immediate supervisor prior to submission of a formal grievance.

### **E. Formal Grievance Procedure**

1. In the event that a settlement is not effected after the informal review, the written grievance will be presented within five (5) working days to the department head. The department head shall have five (5) working days to investigate and render a written decision. Unless an extension of time has been agreed upon subject to confirmation in writing, failure of the department head to render a written decision within five (5) working days shall constitute a denial of the grievance, and the grievant shall proceed to, and be governed by, the time limitations of step "b" of this procedure.
2. If a mutually satisfactory solution has not been reached, the grievant has five (5) working days to submit the grievance to the City Manager. The City Manager shall have five (5) working days after receipt of the grievance in which to schedule such investigations or hearings as may be necessary and render a written decision. Unless an extension of time has been agreed upon subject to confirmation in writing, failure of the City Manager to render a written decision within five (5) working days shall constitute a denial of the grievance, and the grievant shall proceed to, and be governed by, the time limitations of step "c" of this procedure.
3. Mediation Process: This procedure shall apply to disputes involving the interpretation and application of an existing MOU including prevailing past practice or a negotiated personnel rule or regulation, other than employee discipline.



- a. An appeal may be referred to mediation if the appellant is not satisfied with the disposition of the City Manager's review step of the procedure.
- b. The appellant must notify the employer in writing within five (5) working days of the conclusion of the review of the appellant's desire to refer the matter to mediation. The employer shall respond to the appellant, and schedule a mediation hearing within the California State Mediation/Conciliation Service.
- c. Mediation conferences will take place at a mutually convenient location and shall not be open to parties other than those who are direct parties in the action .
- d. Proceedings before the mediator shall be confidential, informal in nature, and shall not be admissible in any subsequent hearing. The mediator shall attempt to assure that all necessary facts and considerations are revealed to him/her. In the event that a resolution is not reached, the parties may stipulate the unresolved issues in writing and submit them to the City Council within five (5) working days. The costs of mediation, if any, shall be borne equally by the parties. (However, each party shall bear its own costs for travel, witnesses, etc.)

**F. Hearing Officer Procedure**

1. An employee, or the employee's union, may request the appointment of a Hearing Officer to hear findings regarding a management action on discipline, dismissal or other significant personnel action.
2. The City Council may, at its own expense, appoint a Hearing Officer to conduct the hearing and report findings, conclusions and recommendations to the Council.
3. Such hearing shall take place within a reasonable period of time, but not before five (5) calendar days after the filing of a request for a hearing.
4. Hearings will be presided over by a Hearing Officer.
5. The employee shall have a right to appear in person on his/her own behalf with counsel or such representative as he/she requests to represent his/her defense. However, if the employee is a member of a bargaining unit in which an exclusive representative has been certified, no other employee organization may represent the employee.
6. The hearing shall be conducted in accordance with the Voluntary Labor Arbitration Rules of the American Arbitration Association in all cases involving disciplinary action, and the Hearing Officer shall use the standard of proper cause in determining the propriety of the City's conduct.
7. The Hearing Officer shall not hear witnesses or take evidence out of the presence of the other party except by default.
8. The Hearing Officer shall be bound by the expressed terms and conditions of the applicable Memorandum of Understanding (MOU), as well as the Personnel Rules and Regulations of the City, in determining the validity of the City's action, and shall not have authority to recommend any additions or deletions to the MOU or any provisions of the City Personnel Rules and Regulations.

9. In the conduct of the hearing, the Hearing Officer shall hold the hearing to make findings of fact and recommendations to both parties within thirty (30) calendar days of the Hearing Officer's selection and appointment.
10. The Hearing Officer shall be obligated and bound to render his findings and recommendations within thirty (30) calendar days following the close of the hearing.
11. The Hearing Officer shall submit his findings and recommendations in writing to the City, the grievant, and the applicable union.
12. The Hearing Officer's recommendations shall be final and binding upon the grievant, the union, and the City, if accepted by City Council.
13. The City Council shall accept the findings and recommendations of the Hearing Officer in its entirety, unless it finds that the Hearing Officer has:
  - a. Exceeded his/her authority;
  - b. Committed a serious procedural error;
  - c. Made a finding or conclusion unsupported by the record(In no circumstance shall a remedy require special legislative action.)
14. Council action accepting or rejecting the findings and recommendations of the Hearing Officer shall take place at the next regular Council meeting, unless said meeting is scheduled within less than seven (7) calendar days of receipt of the Hearing Officer's decision.
15. The City Manager or the grievant may request City Council review of the Hearing Officer's decision as limited by the conditions stated above.
16. Such request may be submitted in writing to the City Clerk within ten (10) calendar days after receipt of a copy of the Hearing Officer's decision.
17. Review by City Council shall be made within fifteen (15) calendar days after the request for review is received.
18. The City Council may approve, modify or reverse the decision of the Hearing Officer, and its decision shall be final.

**F. Hearing Procedure**

1. The Hearing Officer shall conduct the hearing and shall rule on questions, evidence and procedure.
2. Either party may call witnesses, introduce evidence, testify, and question witnesses.
3. The charging party has the burden of proof and shall first present evidence and testimony.
4. The customary order of proceedings is:
  - a. Opening statement by the initiating party, followed by a similar statement by the other side.
  - b. Presentation of evidence, witnesses and arguments by the initiating party.

- c. Cross-examination by the other party.
  - d. Presentation of evidence, witnesses and arguments by the defending party.
  - e. Cross-examination by the initiating party.
  - f. Summation by both parties, usually following the same order as in the opening statements.
5. Hearings may be recorded at the request of either party with such expense being borne equally by the parties.
  6. If the parties want to file written post-hearing briefs or other data, time limits shall be set by the Hearing Officer, and the hearing shall remain open until these documents are received.
  7. After both sides have had equal opportunity to present all their evidence, the Hearing Officer shall declare the hearing closed.

**H. Decisions**

1. Hearing Officer – The recommendation of the Hearing Officer shall be submitted to the employer and shall be in writing summarizing the facts, setting forth findings, and making a recommendation decision. A copy shall be served by regular U.S. Mail upon the appellant.
2. Employer – The decision by the Hearing Officer shall be final unless the City Council, no less than five (5) working days following the receipt of the decision, determines in a public session to review further the proceedings of the hearing with a view toward making its own findings and conclusions in the matter.
3. City Council – Should the Council decide to review the matter, it is its prerogative to review the existing record and findings, to call additional witnesses, or to conduct its own hearing pursuant to “Procedures for Grievances Hearing Before the City Council”. In any such event, the findings and conclusions of the City Council will be made within twenty (20) working days of its decision to review the matter, and it shall be final.

**I. Limitations**

1. No disciplinary action shall be taken for any cause which arose prior to the employee’s becoming permanent, nor for any cause which arose more than two (2) years preceding the date of the filing of the notice of cause unless such cause was concealed or not disclosed by such employee when it could reasonably be assumed that the employee should have disclosed the facts to the City. Disciplinary action taken shall be commensurate with the offense.

**J. Council as Final Arbiter**

1. Either the City Manager or the employee may request City Council review of a Hearing Officer decision. Such request shall be submitted, in writing, to the City Clerk within ten (10) calendar days after receipt of the hearing officer decision.
2. The City Council may approve, modify or reverse the decision of a Hearing Officer, and its decision shall be final.
3. The findings and conclusions of City Council shall be made within twenty (20) working days of the receipt of a request.

## **XI. WORK REDUCTIONS**

### **A. Furloughs**

1. The appointing authority may layoff or reduce an employee when necessary:
  - a. For reasons of economy, lack of work or funds.
  - b. A change in organization where there are more employees than positions in any class within the City.

### **B. Employment Status and Layoff**

1. Layoffs and reductions shall be made by class of position. In each class of position in which there is to be a layoff or reduction, employees shall be laid off according to employment status in the following order:

<b>First</b>	-	<b>Temporary/Provisional</b>
<b>Second</b>	-	<b>Probationary</b>
<b>Third</b>	-	<b>Permanent</b>

2. Temporary employees shall be laid off according to the needs of the service as determined by the appointing authority. Probationary employees in the class shall be laid off or reduced according to seniority in service.

### **C. Order of Layoff**

1. In case there are two or more regular employees in the class from which layoff or reduction is to be made, such employees shall be laid off or reduced on the basis of:

- a. Seniority in class;
- b. Seniority within the City service;
- c. In the case of a "tie" in seniority only, performance ratings on file will determine the order:

First	-	All employees rated "Unsatisfactory"
Second	-	All employees rated "Improvement Needed"
Third	-	All employees rated "Satisfactory"
Fourth	-	All employees rated "Outstanding"

2. Employees within each category shall be laid off in inverse order of seniority in City service, except where an employee possesses special skills essential to the City.

### **D. Bumping Rights**

1. An employee who is laid off may elect to either "bump" to a position previously held or to fill a vacancy for which he/she possesses the minimum and desirable qualifications and has seniority rights.
2. An employee whose position must be eliminated or vacated for the reasons cited in this section and who requests a voluntary reduction rather than cause some less senior employee to be laid off or reduced, is entitled to have his/her name placed on a re-employment list.

**E. Ties in Performance Rating and Seniority**

1. In case of tie affecting two or more persons, the person with the lowest performance rating shall be laid off first. If a tie still exists and the persons were appointed from the same Eligible List to the positions from which the layoff is to be made, the person whose name was lower on said Eligible List shall be laid off first. If the appointments were not from the same Eligible List, that person who was appointed from the later Eligible List shall be laid off first.

**F. Exception to Order of Layoff**

1. Where the appointing authority deems it to be for the best interest of the service, he/she may retain an employee who has specific qualifications despite the order of the layoff provided above, if the appointing authority determines:
  - a. Such action is for the best interest of the service;
  - b. The employee retained has such special qualifications;
  - c. The employee laid off does not have such special qualifications; and
  - d. Such special qualifications are important in the performance of the work of the City.

**G. Reduction**

1. The appointing authority may, at his/her discretion if he/she deems it for the best interest of the service, make reductions in lieu of layoff to positions at lower levels in the same or related series or positions in other series for which the employee to be reduced has demonstrated that he/she possesses the skills and aptitudes required in the position to which he/she is to be reduced, thereby causing layoffs only in the lower ranks.
2. The employee reduced pursuant to this section shall not be subject to further reduction from the class until all employees in that class, who have not been subject to reduction, have vacated that class.

**H. Re-Employment List – Reinstatements from Furlough**

1. The names of persons laid off or reduced in accordance with these rules shall be entered upon a re-employment list in the inverse of order specified for layoff. Such list shall be used by the appointing authority when a vacancy arises in the same or lower class of position, before certification is made from an Eligible List. When a vacancy occurs, the appointing authority shall appoint the person highest on the re-employment list who is available.
2. Names of persons laid off or reduced in lieu of layoff shall be carried on a re-employment list for a one (1) year period, except that the names of persons appointed to regular positions of the same level as that from which laid off shall, upon such appointment, be dropped from the list. Persons reduced or re-employed in a lower class or re-employed on a temporary basis shall be continued on the list for the higher position for a one (1) year period. A person appointed from a layoff list shall continue to have the same anniversary date he/she had prior to termination.

## **XII. MISCELLANEOUS PROVISIONS**

### **A. Attendance Records**

1. All employees shall be in attendance at work in accord with the rules regarding hours of work, holidays and leaves. All departments shall keep daily attendance records of employees.

### **B. Absence Without Leave Approval**

1. No employee shall be absent without approved leave except in the instance of sickness or personal emergency. Within a 2-hour period from the time an employee was required to report for duty, said employee or a designated person must notify the employee's supervisor or department head of the inability to report.
2. Failure without cause to give proper notification or to report for duty as scheduled after approved leave has expired or has been cancelled shall be grounds for disciplinary action.

### **C. Work Week**

1. Full-time City employees of all departments shall be on duty for forty (40) hours during each seven (7) day work period.

### **D. Hours of Work**

1. All offices of the City, except those for which special regulations or requirements prevail, shall be kept open for business on all days of the year except Saturday, Sunday and holidays.
2. Office hours are 8:00 A.M. to 5:00 P.M.
3. Employees for whom necessity requires a different work schedule than that normally applied shall work those schedules prepared by the respective department heads and approved by the City Manager.

### **E. Court Time**

1. Police Department sworn personnel shall receive court time pay predicated upon current Memorandum of Understanding provisions.

### **F. Overtime During a Disaster**

1. Overtime work required by reason of a civil defense declared disaster shall not be compensable.

### **G. Restrictions on Other Work**

1. Gainful employment, apart from the employee's regular full-time City position, requires the written pre-approval of the appropriate department head and the City Manager.
2. Full-time employees cannot engage in outside occupations which are incompatible or in conflict with his/her City position, or which interfere with the satisfactory discharge of regular duties in the City position.
3. An employee's department head should be consulted prior to acceptance of any outside work.

**H. Mileage Allowance**

1. In appropriate, valid circumstances, the City shall reimburse an employee for the use of a personal vehicle while on City business. Such reimbursement shall be at the prevailing rate per mile as contained in current IRS code provisions.
2. Department heads who receive car allowance must follow those provisions contained in the City “Chart of Accounts” and deduct the first 25 miles driven when submitting a request for mileage reimbursement.

**I. Retirement System Contributions**

1. The City shall pay all full-time regular employees’ required contributions to the Public Employees Retirement System (PERS). In the instance of certain sworn police personnel, the City pays 5% of the employee contribution.
2. Permanent, regular, part-time employees who were active members of PERS at the time of hire are eligible to participate in the City retirement plan. The City shall pay the employer contribution rate and the part-time employee shall pay the employee contribution rate.
3. For details on City-paid retirement contributions for Police Department personnel, see current MOU or request information from the City personnel office.

**J. Annual Retirement System Report**

1. The Public Employees Retirement System distributes to member cities an “Annual Member Statement”.
2. This statement reflects the employee contributions, the interest earned on these contributions, and the service credits established for the employee.
3. The City of Auburn will distribute these statements to each employee upon receipt or with the next paycheck distribution after receipt of the statements.

**K. Uniform Allowances**

1. Police department employees shall receive the following uniform allowance on a quarterly basis:

\$166.26	-	Police Officers
\$148.75	-	Police Dispatchers
\$153.75	-	Parking Enforcement/Animal Control Officer
2. It shall be the policy of the City for issuance of clothing allowance regarding other eligible employees as follows:
  - a. C.O.D. orders will not be honored by the City Finance Department. This is a negative cash management practice and Finance does not conduct business in a “cash on delivery” environment on behalf of the City.
  - b. In prior MOU’s the City has agreed to provide and maintain shirts with appropriate identification for each City employee assigned to work at the airport; also, the City shall annually provide six (6) shirts, six (6) trousers, and one (1) jacket to all maintenance employees. (The provision of safety boots is covered in paragraphs 4.f and g. below.)

3. These provisions have been continued through the years under the “Pre-existing Benefits, Policies, Resolutions and Other Policies” clause of subsequent MOU’s.
4. Accordingly, the Finance Department renders the following procedural aspects of this policy statement for the benefit of the City and the affected employees:
  - a. Each fiscal year during the budget request cycle, the appropriate, responsible department head shall request a Uniform Allowance Account at an amount that is in keeping with the current costs of special clothing and the MOU agreement provisions of clothing allowances for these employees.
  - b. At the start of a new fiscal year, the department head shall initiate a blanket purchase order and order the appropriate clothing on behalf of his/her employees who receive such allowances.
  - c. The Finance Department will then pay all amounts invoiced under the purchase order to the vendor.
  - d. In the instance of a “new hire” during the fiscal year who qualifies for a clothing allowance, the department head shall order the appropriate clothing under a separate purchase order or, if balances remain on the blanket purchase order, it shall be charged for such purchases, and the clothing allowance account established within the ordering department will receive the charge.
  - e. The Finance Department, beginning with fiscal year 1990-91, will no longer render individual clothing allowance payment to employees, except for police personnel per the MOU.
  - f. Because of prior MOU language regarding the acquisition of work safety boots, the Finance Department will continue to render annual \$50 payments to employees so entitled to work safety boots. This payment will be made at the start of the fiscal year. Employees covered by this provision are corporation yard employees, fire personnel, any airport attendants, and building maintenance employees.
  - g. The City shall provide one pair of work safety boots to the Public Works Engineering Technician who performs construction inspections. Said boots shall be replaced periodically upon demonstration of need to the Public Works Director.
  - h. In the instance of damaged work safety boots, the Finance Department will not issue an additional \$50.00 payment to the employee until so authorized by the department head. Damaged work safety boot replacement must be as a direct result of an “on-the-job” occurrence.
  - i. Rain gear, turnout gear, etc., should be purchases made by the appropriate department, and are acquisitions of the department, not the employee. Such purchases are not to be construed as part of this policy or as part of the clothing allowance provision contained in prior MOU’s.
5. Departments should charge purchases for rain gear, turnout gear, etc., to a special clothing account requested during the budget request phase of the City budget cycle.
6. If there are questions regarding this policy, please contact the Finance Director.



## **L. Provisional Appointments**

### **1. Full-time Provisional Appointments**

- a. At the discretion of department heads and with City Manager approval, provisional appointment to a classified position may be done in the absence of an employment list. If the appointment is a “new hire” to a classification not yet established within the City, the selection guidelines must be followed and an advertising/interviewing process must be followed.
- b. If the appointment is a “new hire” to a classification currently in existence, the same selection guidelines and advertising/interviewing must be followed.
- c. If the appointment is awarded to a current City employee in a part-time or full-time status, it is not necessary that the selection guidelines be followed. It is also not necessary that the position be advertised in that such an appointment to a current employee may be considered as an internal promotional opportunity.
- d. Provisional appointments cannot extend beyond six (6) months. If an interview selection process is to be utilized to replace the provisional appointee, the provisional appointee cannot continue beyond two (2) pay periods after the establishment of an appropriate employment list.
- e. If the provisional appointee is considered to be a viable candidate for permanent status in the same classification, it is not necessary to re-advertise and interview for the permanent position. Again, this is considered to be an internal promotional opportunity.
- f. If the permanent position to be established is in a different classification, then the selection guidelines issued must be followed with subsequent advertising, interviewing, and establishment of an employment list for selective purposes.

### **2. Provisional Appointments - Benefits**

- a. Provisional appointees shall be eligible for retroactive accrual of annual/sick leave at appropriate rates upon being awarded a permanent position in the City work force.
- b. Provisional appointees who subsequently achieve permanent status will carry forward any seniority for accrual purposes to the permanent status position.
- c. Dates of hire for provisional employees subsequently made permanent shall be the initial date of hire in the provisional appointment.
- d. Provisional employees are not entitled to any other City benefit except for the following:
  - 1) Family Illness – Pursuant to Section 16.45 of the current City Personnel Rules dated June 13, 1983.
  - 2) Funeral Leave – Pursuant to Section 16.50 of the current City Personnel Rules dated June 13, 1983, and as modified by Finance Policy #1 contained in the Chart of Accounts.

- 3) Jury Duty Leave – Pursuant to Section 16.55 of the current City Personnel Rules dated June 13, 1983, and as modified by Finance Policy #1 contained in the Chart of Accounts; however, in no case to exceed ten (10) days with pay.
- 4) Military Leave – Pursuant to Section 16.60 of the current City Personnel Rules dated June 13, 1983, and as modified by Finance Policy #1 contained in the Chart of Accounts.

**M. Confidential Classifications**

1. The City has several employee categories that carry a special designation, namely “confidential employee”.
2. These positions are functionally different than other City positions in that their duties require that they have access to City confidential information. Examples of such information are:
  - a. Bargaining/negotiating information and data.
  - b. Employee personnel data.
  - c. Financial information of a confidential nature.
  - d. Managerial policy data not yet published.
3. The City Manager’s Secretary and all Finance Department positions are classified as “confidential”.
4. These positions receive an additional 4.0% pay for these critical responsibilities and are subject to special discipline when confidentiality is breached.
5. Any requests for this classification must be rendered to the City Manager.

**N. Tuition Reimbursements**

1. The City of Auburn supports educational advancement and will participate in paying tuition, fees, cost of textbooks or other incidental educational expenses such as lab fees, registration fees, etc.
2. Such financial support will be based upon funds availability and department head approval for the particular course of study. Payments will be rendered by the City after successful completion of courses as evidenced by grade reports, certificates of completion, credit hours awarded, etc.
3. Courses of study must show some relationship to the employee’s job and related duties.
4. Tuition reimbursement final approvals are rendered by the City Manager.

**O. Pay Advances – Early Release of Paychecks**

1. It shall be the policy of the City not to release paychecks earlier than the day preceding payday when so requested. Paychecks to be released the day prior to a payday are subject to the availability of such checks from the Finance Department given normal pay processing routines. Early releases of paychecks shall require the approval of a department head and the Finance Director. They shall be for justifiable reasons as determined by the department head and Finance Director.

2. It shall be the policy of the City Finance Department not to prepare manual paychecks for early release purposes.
3. Scheduled vacations shall not constitute valid justification for early release of paychecks in excess of the day preceding payday. Upon request and authorization of the employee, the Finance Department will deposit an employee paycheck to a local bank on payday in those instances when vacations are scheduled and the employee is away from the area.

**P. Internal Overtime Control Procedure**

***NOTE: This procedure excludes the City Police Department, which currently has in place a similar internal control mechanism for overtime.***

1. All overtime hours to be worked must be pre-authorized by a department head prior to the actual overtime being worked.
2. Following is an example of the Overtime Pre-Authorization form for this purpose. A supply of these forms is available from the Finance Department. This record will remain with the preparing department. It will not be forwarded to Finance.
3. Pre-authorization of overtime hours must be established to precede pay processing dates. This “timing” of pre-authorization for overtime to coincide with pay processing requirements will be left to the discretion of department heads based upon operational needs and concerns.

***NOTE: Finance requires that each department must adhere to pay processing deadlines. Payroll will no longer accept “phoned in” hours for pay processing purposes.***

4. After overtime hours are pre-authorized by a department head, employees must prepare timecards and record actual overtime hours worked on such timecards.
5. Overtime timecards are submitted to the employee’s department, coincident with the department’s established submittal dates, for comparison with the pre-authorization form that approved such overtime.
6. If this comparison results in the identification of substantive discrepancies (such as excessive overtime hours or non-authorized employees), the department head must resolve these discrepancies prior to placing such overtime hours on the departmental timeroll.
7. Overtime hours approved by the department head are then transferred from the overtime timecards to the departmental timeroll for pay processing purposes.
8. Overtime timecards and Overtime Pre-Authorization forms are retained and filed by the operating department.
9. Departments submit only the signed, authorized timeroll to the Finance Department for pay processing purposes.

**NOTE 1: Periodically, and as operational workloads permit, the Finance Department will audit the overtime documentation retained by departments for adherence to this procedure. These will be unannounced audits.**

**NOTE 2:** Subsequent to a fiscal year-end, during our independent audit, Finance will request that the City independent auditors perform sufficient audit tests of this internal control mechanism and its related documentation that is resident in departments.

**NOTE 3** In the event that emergency overtime is required for operational reasons and it is not possible to pre-authorize the overtime hours in question, this policy permits department heads to use their discretion in post-authorizing such overtime. Such overtime should be post-authorized no later than 72 hours after the overtime is worked.

It is the recommendation of Finance that, in such circumstances, department head still require that affected employees prepare timecards and submit for approval to the operating department. The OT hours on these timecards are then transferred to the timeroll for pay purposes; the timecards are retained by the department and notated with the reason for the post-authorization. They should be filed with the pre-authorization documentation. When subsequent audits of the records occur, the files are accordingly complete with full justifications in place.

*(See sample of Pre-Authorized Overtime Form on next page)*



**Q. Guidelines on Accepting and Providing Gifts, Entertainment and Services**

1. An employee or his/her immediate family may not accept from or provide to individuals or companies doing or seeking to do business with the City gifts, entertainment and/or other services or benefits unless the transaction meets all of the following guidelines:
  - a. It is customary and gives no appearance of impropriety and does not have more than a nominal value.
  - b. Does not impose any sense of obligation on either the giver or the receiver.
  - c. Does not result in any kind of special or favored treatment.
  - d. Cannot be viewed as extravagant, excessive, or too frequent considering all the circumstances including the ability of the recipient to reciprocate at City expense.
  - e. Is given and received with no effort to conceal the full facts by either the giver or receiver.

**R. Affirmative Action Policy**

1. The City of Auburn's primary statements of Affirmative Action are contained within this manual under the caption "Equal Employment Opportunity", Chapter II, Section A.
2. Additionally, it shall be the purpose of this City to ascribe to all procedures and policies in recruitment, hiring, training, promotion, compensation, benefits, transfers, and social/recreational programs which foster and advance the goals of Affirmative Action.

**S. Impasse Procedure**

1. Definitions
  - a. Impasse: A deadlock or persistent inability to reach agreement in negotiations between a recognized employee organization and the City concerning matters about which they are required to negotiate.
  - b. Mediation: The efforts of an impartial third person(s), functioning as intermediaries, to assist the parties in reaching a voluntary resolution of an impasse, through interpretation, suggestion and advice. Prior to calling a mediator it shall be incumbent upon the parties to frame the issues.
2. Impasse Procedures
  - a. Impasse procedures may be invoked only after all other repeated attempts made by both parties to reach agreement through good faith negotiation have been unsuccessful.
  - b. Impasse Meeting: After the City and the recognized employee organization(s) has been reached, then any part involved in the negotiation of specific issues may invoke the impasse procedure by verbal request, subject to confirmation, for an impasse meeting. Once the request has been initiated, the other party shall be bound to have an initial meeting with the mediator, even if its position is that an impasse does not exist. Each party shall then provide the others with a statement of its position on the disputed issues. An impasse meeting shall then be discussed in a final good faith effort to reach agreement on the disputed issues. Only those matters which have been presented in negotiations and remain unresolved shall be subject to mediation.

- c. If agreement is not reached at the impasse meeting, the parties together may mutually agree upon a method of resolving the dispute including, but not limited to, mediation. The parties may request a particular mediator from the State of California Conciliation /Mediation Service or have one assigned. Unless the parties in writing mutually request them to do so, mediators shall make no public statement nor take any public position regarding the issues. All mediation sessions shall be conducted in private.
- d. The costs, if any, for the services of a mediator utilized by the parties shall be borne equally by the parties.

**T. Holidays**

- 1. The following days shall be holidays for employees in the unit:
  - a. New Year's Day
  - b. Martin Luther Kind, Jr. Day
  - c. Lincoln's Birthday
  - d. Washington's Birthday
  - e. Memorial Day
  - f. Independence Day
  - g. Labor Day
  - h. Admission Day
  - i. Veteran's Day
  - j. Thanksgiving Day
  - k. The Friday Immediately Following Thanksgiving Day
  - l. Christmas Day
  - m. One-half Day on Good Friday
  - n. One-half Day the Last Working Day before Christmas Day and New Year's Day
- 2. If a holiday falls on Saturday, then the previous Friday is to be taken. If a holiday falls on Sunday, then the following Monday is to be taken.
- 3. Any employee who might be required to work on any of the above holiday shall be compensated at OT rates in accordance with Overtime Sections. If a holiday falls on an employee's regular day off, he/she shall be entitled to equivalent time off at a later date.
- 4. Paid holidays granted by the City to full-time, regular employees shall also be granted, on a prorated basis, to part-time, permanent employees. Such proration shall be based upon part-time hours worked.

**U. Longevity**

- 1. Longevity increments shall be administered for all unit members upon completion of seven (7) and eleven (11) years of satisfactory continuous service. Longevity increments shall be five percent (5%) over the employee's base salary, and shall be administered based upon the employee's regular employment date.
- 2. The City will implement a five percent (5%) longevity increase for City employees after 20 years of satisfactory continuous service.

## V. **Cobra Policy**

### 1. Summary of Rights and Obligations regarding continuation of Group Health Plan Coverage:

- a. Federal law requires employers our size, who sponsor group health plans, to offer employees and their families the opportunity to elect a temporary extension of health coverage (called “Cobra”) in certain instances where coverage under the City health plan would otherwise end.
- b. When Cobra is elected by the employee, the cost of coverage reverts to the employee who will be charged 102% of the monthly premiums in effect at the time of the qualifying event.
- c. This policy is intended to summarize, as best possible, employee rights and obligations under the law. The law, however, is not clear on some points and is interpreted by Federal agencies and the courts. Congress also often changes the law and, as such, this policy is subject to change without notice as interpretations or changes of law occur.
- d. It is part of this policy that employees and their spouses read and be familiar with this summary which will also be given to each employee in a notification form upon hire.
- e. Qualifying Events

If you are an employee of the City of Auburn covered by its Group Medical Plan, you have a right to elect continuation coverage if you lost coverage under the Plan because of any one of the following two “qualifying events”:

- 1) Termination of your employment for other than gross misconduct, **OR**
- 2) Reduction in the hours of your employment, thereby causing a loss of group medical coverage.

If you are the spouse of an employee covered by the Plan, you also have the right to elect continuation coverage if you lose coverage because of any of the four following “qualifying events”:

- 1) The death of your spouse (the employee)
- 2) The termination or reduction in hours of the employee parent
- 3) Parents’ divorce or legal separation
- 4) The employee parent becomes entitled to Medicare benefits
- 5) The dependent ceases to be a “dependent child” under the Plan

### Notices & Election

Under the law, the employee or a family member has the responsibility to notify the City Personnel Office of a divorce, legal separation, or a child losing dependent status under the current City medical plan.

Notice of any above mentioned qualifying events must be given to Personnel no later than 60 days after the date you would lose coverage under the medical plan because of the event.

If you fail to give this notice during the 60-day period, you will not be offered the option to elect coverage to continue medical benefits.



Notice of termination or reduction in hours which causes coverage loss requires that the Cobra election must be given by the City automatically to all affected parties. This will be done by certified mail and a form letter which fully explains Cobra rights will be sent.

Election to continue coverage must be given to the City within 60 days after coverage ends, because of a qualifying event. If you do not elect continuation coverage within this 60-day period, you will lose your right to elect such coverage.

If you elect coverage, the employer must provide the same coverage as was in effect just prior to the qualifying event.

It shall be the policy of the City of Auburn to charge for premium costs on all “Cobra” covered individuals. This premium charge will be at 102% of the prevailing premium charge to the employer.

#### Cobra Coverage Periods

- a) For the qualifying events of death, divorce, legal separation or Medicare entitlement, the duration of Cobra coverage is limited to 36 months.
- b) For the qualifying events of termination or reduction in hours, the duration of Cobra coverage is limited to 18 months.

To summarize this policy, it shall be the City’s obligation to offer Cobra coverage for medical care to all affected parties by:

- (1) Notifying new hires and current employees of Cobra law by copy of this policy or, in the case of a new hire, a Cobra form which explains said rights.
- (2) Offer election of Cobra automatically when terminations or reductions in hours occur.
- (3) Provide Cobra coverage when so notified by affected parties of a qualifying event.

Questions regarding Cobra coverage should be directed to the City Personnel Director.

#### W. Sexual Harassment

- 1. Federal law (Title VII of the Civil Rights Act of 1964) provides that it shall be an unlawful discriminatory practice for any employer, because of the sex of any person, to discharge without just cause, to refuse to hire or promote or otherwise to discriminate against that person with respect to any matter directly/indirectly related to employment. Harassment of an employee on the basis of sex violates this Federal law.
- 2. To help clarify what is unlawful sexual harassment the Federal Equal Employment Opportunity Commission has issued guidelines on this subject. Those guidelines state that unwelcome sexual advances, requests for sexual favors, other verbal and non-verbal or physical conduct of a sexual nature will constitute unlawful sexual harassment when:
  - a. Submission to sexual conduct is an explicit or implicit term or condition of an individual’s employment;
  - b. The submission to or rejection of sexual conduct by an individual is the basis for any employment decision affecting that individual, or;

- c. When sexual advances, request for sexual favors, or other verbal or physical conduct of a sexual nature have the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

***THE CITY OF AUBURN STRONGLY DISAPPROVES OF ANY FORM OF SEXUAL HARASSMENT AT THE WORKPLACE, INCLUDING ACTS OF NON-EMPLOYEES. DISCIPLINARY ACTION UP TO AND INCLUDING TERMINATION WILL BE TAKEN PROMPTLY AGAINST ANY EMPLOYEE, SUPERVISOR OR OTHERWISE, ENGAGING IN UNLAWFUL SEXUAL HARASSMENT.***

3. It is each employee's responsibility to report any act of sexual harassment. Employees may report such acts to either their immediate supervisor, or their department head, or to the City Manager. The City Manager shall investigate all complaints of sexual harassment.
4. Management and supervisory employees are responsible for ensuring that the work environment is free of sexual harassment by:
  - a. Informing employees of the City's policy and complaint procedure;
  - b. Reporting any instance of sexual harassment to the City Manager for investigation and to their department head;
  - c. Taking appropriate disciplinary action if the findings of the investigation indicate sexual harassment.