

CITY OF RIPON

MERIT SYSTEM

RULES AND REGULATIONS



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CITY OF RIPON

MERIT SYSTEM RULES AND REGULATIONS

CHAPTER 1 - GENERAL

SECTION 101

ADOPTION OF RULES AND REGULATIONS

The following Rules and Regulations have been approved by the City Council by Resolution No. 04-40 in order to establish an equitable and uniform procedure for dealing with personnel matters, and to place municipal employment on a merit basis so that the most qualified available people may be brought into and retained in the municipal service. These Rules and Regulations supercede all previous Merit System rules and regulations, specifically those adopted September 18, 1990, Council Resolution 90-62, and any amendments thereto. (See Chronology of Resolutions)

SECTION 102

ADMINISTRATION OF THE MERIT SYSTEM

- A. The City Administrator is designated as the Personnel Officer and shall administer all provisions of the Merit System Rules and Regulations not specifically reserved to the City Council. The City Administrator has the authority to issue Administrative Regulations to establish procedures and otherwise amplify existing rules and regulations. The City Administrator has the authority to appoint and to exercise general control and supervision over all officers, department heads and other City employees, subject to the approval of the City Council.
- B. The following positions shall be appointed directly by the City Council, serve at the pleasure of the Council, and may be removed directly by the Council:

City Administrator
City Attorney

Such positions shall be exempt from the provisions of Chapter 9 and 10.

In addition, the City Council shall have authority to employ as independent contractors or consultants, such other individuals or organizations as it deems appropriate and in accordance with law. Such individuals shall be exempt from these Rules and Regulations. (§102(B): Res. No. 98-2)

- C. All other Department Heads (also referred to herein as City Officers) as defined in Section 201 (D) shall serve at the pleasure of the Council and may be removed at will by the City Administrator, subject to the approval of the Council. Such Department Heads are exempt from the provisions of Chapter 9 and 10. (§102(C): Res No. 98-2)
- D. All other regular employees may be employed and removed by the City Administrator subject to the approval of the Council, and as provided here in below.

SECTION 103

PURPOSE

The purpose of these Rules and Regulations is to facilitate effective and economical services to the public and to provide a fair and equitable system of personnel management in the municipal service. These Rules and Regulations set forth procedures designed to insure equal treatment for applicants and employees, and define the obligations, rights, privileges, benefits, and prohibitions placed upon all employees in the municipal service.

SECTION 104**EMPLOYMENT CONSTITUTES ACCEPTANCE OF RULES**

By accepting or continuing employment with the City, each employee agrees to be governed by and to comply with the Merit System Rules and Regulations, the Administrative Regulations established by the City Administrator, and the rules, regulations and directives of the department to which he or she is assigned.

SECTION 105**APPLICATION OF RULES**

These rules shall apply to all City employees except to the extent that they are clearly and expressly superseded by a valid, current memorandum of understanding between the City and a recognized employee organization, or to the extent that any such City employee is expressly exempted from coverage of any particular rule.

In the event of a conflict between a provision, these Rules and Regulations and a provision in a valid current memorandum of understanding ("MOU") between the City and a recognized employee organization, the provision of the MOU shall control.

CHAPTER 2 - DEFINITIONS

SECTION 201

DEFINITIONS OF TERMS

- A. **Administrative Leave with Pay** shall mean the temporary involuntary removal of an employee from active status pending investigation into a possible disciplinary matter or for other administrative reasons. Administrative leave with pay is not a disciplinary action. While on administrative leave with pay, the employee shall continue to earn salary and all other applicable benefits.
- B. **Classification Plan** shall mean a list of the classifications of all regular positions in the municipal service and a written specification including a general description of the work, a statement of the duties and responsibilities of the position and the desirable qualifications for appointment, and such other pertinent information as the City Administrator may deem desirable.
- C. **Continuous Service** shall mean employment on a regular basis which is not interrupted by termination, or a leave of absence without pay, longer than one year in duration.
- D. **Department Heads** shall be used synonymously with the term “Officers” and shall include the following positions:
 - City Engineer
 - City Clerk
 - City Public Works Supervisor
 - City Planning Director
 - City Recreation Director
 - Chief of Police (§201(D): Res. No. 98-2)
- E. **Discharge** shall mean involuntary termination of employment.
- F. **Disciplinary Probation** as distinguished from probation for new employees or employees newly promoted to higher classifications, shall mean the placing of an employee on probationary status pursuant to the procedures contained in Chapter 10, for a period not to exceed one (1) year. Employees placed on disciplinary probation may be terminated for failure to meet the probationary conditions established at the time of discipline, or for cause as provided in Chapter 10. Employees placed on disciplinary probation shall not accrue vacation, sick leave or earned time for salary review during the probationary period. However, if the employee successfully completes the disciplinary probation and is reinstated to regular status, the employee shall be credited with any sick leave or vacation which would have been earned but for the probationary status.
- G. **Demotion** shall mean the movement of an employee from one classification to another classification at a lower rate of pay for disciplinary reasons.
- H. **Demotion From Promotional Probation** shall mean the movement of an employee from one classification in which the employee is serving in a probationary status to another classification at a lower rate of pay in which the employee was serving prior to promotion, for reasons of failure to meet probationary standards.
- I. **Employee** means any person employed by the City on a permanent, probationary or temporary basis, excluding persons elected by popular vote or appointed directly by the City Council as an independent contractor or consultant.
- J. **Examination**

1. **“Open competitive examination”** shall mean an examination for a particular classification which is open to all qualified persons.
2. **“Continuous examination”** shall mean an open competitive examination which is administered periodically as a result of which names are placed on an eligible list, in order of final scores, for a period of not more than one year.
3. **“Promotional examination”** shall mean an examination for a particular classification which is open to all qualified persons, but as to which additional consideration may be given to current City employees in order to promote upward mobility and career advancement of existing employees, and to recognize the value of prior service within the City in attaining the level of skill, experience and training required for success in the position.

K. **“Non-Pay Status”** shall mean the period in which an employee is not at work, has been granted a leave of absence without pay, or has been suspended without pay as a disciplinary measure.

L. **“Pay Status”** shall mean the period in which an employee is at work, on vacation, sick leave, paid leave as the result of an industrial accident, leave with full pay in lieu of temporary disability benefits, administrative leave with pay, compensatory time off, paid temporary military leave of absence, or other approved leave of absence with pay. “Pay Status” shall not apply to any period that the employee is on unpaid leave of absence or suffering unpaid disciplinary suspension.

M. **“Promotion”** shall mean the movement of an employee from one classification to another classification having a higher maximum rate of pay.

N. **“Reduction in Salary”** shall mean the movement of an employee from one step on the salary schedule to a lower step on the salary schedule in the same range or classification.

O. **“Suspension”** shall mean the temporary removal of an employee from pay status as a disciplinary action.

P. **“Termination”** shall mean the separation of an employee from service by death, discharge, lay-off, resignation, retirement, work completion, or rejection from probation.

Q. **“Transfer”** shall mean the movement of any employee from one job classification to another at the same salary range, or from one assignment to another in the same classification.

R. **“Voluntary Demotion”** shall mean the movement of an employee from one classification to another classification at a lower rate of pay by request of the employee.

CHAPTER 3 - EMPLOYMENT

SECTION 301 CITIZENSHIP

Except as otherwise provided by state or federal law, employment is open to all qualified men and women who are citizens or “intending citizens” of the United States within the meaning of 8 U.S.C. Section 13246 (a) (3) (Immigration Reform and Control Act Section 274B (a) (3).)

SECTION 302 EQUAL EMPLOYMENT OPPORTUNITY

The City shall strive to afford equal employment opportunity at all levels of employment in a positive sense.

1. Employment opportunities shall be open to all persons regardless of race, color, sex, religion, national origin, age, handicap, or marital status.
2. City personnel programs shall be administered in such a manner as to remove unnecessary barriers to the employment and advancement of women, minority group persons, and the handicapped.
3. Efforts shall be made to attract and assist women, minority group persons and handicapped persons to qualify for employment and promotion.

SECTION 303 RECRUITMENT

Recruitment for qualified applicants may be a continuing process in order that, where possible, the City will have available applications of interested, qualified persons for possible employment. Notices of employment opportunities may be placed in newspapers, magazines, announcements, or given to reputable agencies offering those services which is felt will bring response from qualified persons. The City, however, shall not pay any fee or service charge for any applicant who is referred to it by any employment agency.

SECTION 304 APPLICATION

All candidates for employment shall file an application with the Personnel Office on an official City application form. All successful candidates for employment shall be required to take a pre-employment physical examination upon being offered employment by the City. The cost of the pre-employment physical examination shall be paid by the City. A written report of the physical examination shall be filed with the City Administrator and the results of the examination shall be considered before appointment is confirmed.

SECTION 305 SELECTION PROCESS

- A. The City Administrator shall adopt selection techniques which are impartial and related to the duties and responsibilities of the position to be filled. The selection process may consist of such recognized techniques as:
 1. A written test measuring the candidate’s job-related knowledge or aptitude;
 2. An evaluation of each candidate’s application in terms of applicable training and experience;
 3. A performance test whereby candidates demonstrate the degree of job knowledge and ability possessed;
 4. A physical fitness test whereby candidates demonstrate their physical capacity to perform tasks directly related to the job;

5. A personal interview and a review of personal references designed to evaluate the candidate's personal characteristics and background;
6. A medical examination; and
7. Other selection techniques which, in the judgment of the City Administrator, are necessary to evaluate the candidate's capacity to perform the job tasks.

B. Upon completion of the selection process, the City Administration shall identify those candidates who appear most qualified for the position under consideration. The City Administrator shall recommend a candidate for appointment to the position and shall submit his recommendation to the City Council for ratification. The appointment shall not become effective until the selected applicant has signed all official papers required by the City, and those papers bear the appropriate signatures confirming the appointment.

SECTION 306 INELIGIBILITY OR DISQUALIFICATION

The City Administrator may withdraw from consideration anyone whose appointment would be contrary to the best interest of the City. Reasons for disqualification may include but are not to be limited to the following:

1. Lack of any of the minimum qualifications established for the position sought;
2. Physical or mental disability, such as to render the applicant unfit to perform the duties of the position sought;
3. Excessive use of intoxicants;
4. Unlawful use of drugs;
5. Conviction for a felony or for a misdemeanor involving moral turpitude;
6. Dismissal from any previously held position, for any cause which would be cause for dismissal by the City;
7. Resignation from any previously held position to avoid dismissal;
8. Deception or fraud in the application for employment or in the selection process;
9. Request by the applicant that his or her name be withdrawn from consideration;
10. Failure to reply within a reasonable time, as specified by the City Administrator, to a communication concerning availability for employment; or
11. Disqualification or unsuitability for employment as specified in any rules or regulations of the City of the pertinent department.

SECTION 307 CATEGORIES OF APPOINTMENT

Employment in the municipal service is divided into the following categories:

A. Regular. Regular employees are those who (1) have been appointed to an authorized position in the Employee Compensation Plan having a monthly salary, and (2) have successfully completed their probationary period and been retained, as provided in Chapter 9 of these Rules and Regulations.

B. Probationary. Probationary employees are those who, through the regular selection process, have been appointed to an authorized position in the Employee Compensation Plan having a monthly salary, but who have not completed the probationary period provided in Chapter 9 of these Rules and Regulations.

C. Temporary Employees.

1. Full-Time. Full-time temporary employees are those employees who are hired to work a standard forty (40) hour week, but who are not regular or probationary employees.
2. Part-Time. Part-time temporary employees are those hired to work less than a standard forty (40) hour week and those paid on an hourly basis.
3. Temporary employees may be terminated by the City Administrator at any time, with or without notice, for cause or for the convenience of the City, and are exempt from the provisions of Chapters 7, 9 and 10.

SECTION 308 REAPPOINTMENTS

Reappointment after termination will be considered as new employment. However, reappointments made within six (6) months after the date of termination may be made with reinstatement of prior seniority, sick leave and pay rate at the discretion of the City Administrator.

SECTION 309 TRANSFER

At the discretion of the City Administrator or the employee's department head, any employee may be transferred from one job classification to another at the same salary range, or from one assignment to another in the same classification. Employees may only be involuntarily transferred to classifications for which the employee possesses the minimum qualifications.

SECTION 310 PROMOTION

To encourage the advancement of personnel within the organization, promotional examinations for vacancies in City employment will be periodically conducted, as the needs of the City require. All promotional opportunities will be posted on bulletin boards selected by the City Administrator, at least five (5) working days before the application period is closed.

CHAPTER 4 - TERMINATION OF EMPLOYMENT

SECTION 401 RESIGNATION

An employee in good standing who wishes to leave the service of the City, either by resignation or retirement, shall give the department head at least two (2) weeks written notice. In the case of a department head who wishes to resign, two (2) weeks written notice shall be given to the City Administrator. Failure to give this notice will disqualify an employee for future employment with the City.

The effective date of the resignation shall be the date specified by the employee, or such other date as is mutually agreed between the employee and the City Administrator. After written acceptance by the City Administrator, a resignation or retirement may not be rescinded by the employee without written consent of the City Administrator.

SECTION 402 TERMINATION DUE TO REDUCTION OF WORKFORCE

- A. Causes for Layoff. An employee may be terminated by the City Administrator because of changes in duties or organization, abolition of position, shortage of work or funds, or completion of work. Notice of such termination will be given to the employee at least two (2) weeks prior to the effective date of termination. Such termination shall not be subject to appeal.
- B. Order of Layoff. The order of layoff shall be in reverse order of seniority in the affected classification plus higher classifications in the same career ladder (e.g., Clerk, Secretary, Office Manager). To have seniority in the affected classification, the employee must have previously served in the classification or in a higher classification in the same job family (e.g., Clerk I, Clerk II, Clerk III). Seniority shall be calculated on the basis of an employee's time served in paid status as a probationary or regular employee, and time served on military leave of absence.
- C. Exceptions. If the City Administrator determines that a lay-off based on seniority alone would not be in the best interest of the City, the City Administrator may retain an employee with less seniority, based on any of the following considerations:
 1. knowledge or skills of special benefit to the City;
 2. attendance and/or reliability;
 3. experience and/or training;
 4. superior quality/quantity of work; or
 5. other qualities of special benefit to the City.

In such case, the City Administrator shall notify the employee to be laid off, in writing, specifying the basis for such determination. The employee may appeal the determination to the City Council within five (5) working days thereafter. The City Council shall consider the matter at the next available regular council meeting, and shall make a decision within five (5) days thereafter. The decision of the Council shall be final.

D. Re-employment Rights - Regular Employees

1. Regular employees who are laid off pursuant to this Section are eligible for re-employment for a period of twelve (12) months from the date of termination, and will be offered re-employment in preference to new applicants. The right to re-employment is limited to the

filling of vacancies (created either by termination or new approval) in the same job classification from which the employee was actually laid off.

2. Re-employment offers shall be made in the reverse order of layoff, and shall be made via first class mail to the employee's last known address. It is the responsibility of the employee to provide the City with a current address for the purpose of notification pursuant to this Section.
3. Acceptance of the re-employment offer must be received by the City Administrator within fifteen (15) days of the date of mailing. Failure to accept the offer within that time period will be deemed a refusal.
4. Employees on the re-employment list may refuse an offer of re-employment; however, refusal of two (2) offers of re-employment shall automatically cause removal from the list and the loss of re-employment rights.
5. Re-employment of a regular employee within the re-employment period shall result in reinstatement of the seniority, sick leave and salary placement in effect at the time of lay-off. The interval of lay-off status shall not be considered a break in service, but employees shall not earn salary, sick leave, vacation or benefits during that period.

SECTION 403 DISCIPLINARY ACTION

An non-exempt employee may be terminated for disciplinary reasons as provided in Chapter 10 of these Rules and Regulations.

SECTION 404 RETIREMENT

Retirement from the municipal service shall be according to the terms and conditions of the City of Ripon Qualified Employees Retirement Trust Plan, or the Public Employees' Retirement System, as applicable.

SECTION 404.1 CONTINUED HEALTH COVERAGE FOR RETIRING EMPLOYEES AND RETIRING CITY COUNCIL MEMBERS

At the time of retirement, retiring City employees and retiring City Council members have the option to continue coverage under the City's health insurance plans at the active employee rate. The premiums for this continued coverage would be paid by the retirees at no cost to the city. (Res. No. 10-58)

SECTION 405 EXIT INTERVIEWS AND FINAL PAYCHECK

Any probationary or regular employee terminating employment with the City, will be requested to have a voluntary exit interview with the City Administrator or his/her designee. The purpose of the exit interview includes:

1. To obtain a forwarding address and other pertinent information from the employee;
2. To assure that the employee is informed about all matters related to benefits such as conversion of health and medical insurance, etc.;
3. To assure clearance of all obligations with the City and to verify receipt of all City equipment, keys, identification card, etc.; and
4. To obtain an opinion from the employee relative to City working conditions and reasons for severing employment with the City.

CHAPTER 5 - EMPLOYEE COMPENSATION

SECTION 501 EMPLOYEE COMPENSATION PLAN

- A. Regular and Probationary Employees. Each class of employees in the City's Classified Service shall be assigned a salary schedule or a rate of compensation in the Employee Compensation Plan. All persons employed by the City shall be compensated in accordance with the Employee Compensation Plan.
- B. Temporary Employees. Temporary employees shall be compensated at the proportional hourly rate applicable to the appropriate step in the salary schedule for the classification to which their positions are allocated. If a specific hourly rate for an employee's position is listed in the Employee Compensation Plan, the employee shall be compensated at that specific hourly rate. Hourly rates are based on 2080 hours per year.

SECTION 502 ADMINISTRATION AND REVIEW OF EMPLOYEE COMPENSATION PLAN

The City Council shall adopt the Employee Compensation Plan for all the City employees. From time to time, the City Administrator shall recommend (in accordance with Government Code, Div. 4 Title 1, Section 3500et seq.) to the City Council an appropriate salary schedule for each class of employees. If the salary schedule for a class of employees is changed by the City Council, all employees in the class shall be adjusted to the corresponding step in the new schedule (e.g., from Step "C" on the old schedule to Step "C" on the new schedule).

SECTION 503 APPLICATION OF SALARY SCHEDULES AND RATES

- A. Appointment Step and Step Advancement. An initial appointment to a classification assigned a salary schedule in the Employee Compensation Plan shall be at the first step of the salary schedule, except that the City Administrator may make an appointment to a position at an appropriate higher salary step when, in his opinion, it is difficult to obtain qualified personnel at the starting salary or when it appears that the education or experience of a prospective employee is substantially superior to that required of the class and justifies a beginning salary in excess of the first step.

Normally, regular employees shall be eligible for advancement through the five steps in the allocated range as follows:

- Step 1) During the probationary period.
- Step 2) Upon satisfactory completion of the probationary period. Employees whose probationary period is in excess of twelve (12) months are eligible for placement at Step 2 after twelve (12) months of employment with the City.
- Step 3) On the next July 1 which falls at least three (3) months after movement to Step 2 (not considering any retroactive payments).
- Step 4 & 5) After one (1) year of service at the prior Step.

New salary rates resulting from original appointment, merit increase, promotion or demotion shall become effective on the first day of the payroll period immediately following the date the action becomes effective.

- B. Promotion. An employee receiving a promotion shall start on the first step of the salary schedule of the class to which he is promoted, and shall thereafter be eligible for merit increases as elsewhere provided.

However, if an employee's previous salary is equal to or greater than the first step on the salary schedule to which the employee is promoted, the employee shall be placed on the step which is at least one step higher than his or her current salary level.

- C. Demotion. An employee's placement on the salary schedule for the class to which he or she is demoted, shall be determined by the City Administrator.
- D. Transfer. A transfer shall not effect an employee's salary level.
- E. Merit Advancement. An employee shall be considered for merit salary advancement in accordance with the time intervals established in Paragraph A, above. However, in unusual circumstances, a merit salary advancement may be made prior to the normal time intervals established in order to reward exceptional performance. Merit advancement shall be granted for efficient and effective service by the employee in the performance of his or her duties, as documented in the employee's performance evaluation. Such merit salary advancements shall be made only upon the recommendation of the Department Head concerned, and with the approval of the City Administrator.
- F. Time Intervals for Subsequent Salary Increases Following Reclassification or Salary Reduction. In the event an employee's job is reclassified to a lower paying classification or his salary is reduced because of the employee's inability to meet the standards for a current salary step, the time intervals for subsequent salary increases, as provided in Paragraphs A and E, above, shall apply unless special review considerations are established at the time of the salary decrease.

SECTION 503.1 POLICE DISPATCH TRAINERS

Dispatch Trainers will receive 5% FTO pay when training. (Res. 05-65)

SECTION 504 PAYMENT FOR SERVICES RENDERED BY PUBLIC EMPLOYEES WORKING IN THEIR CITY JOB CAPACITIES FOR PRIVATE PERSONS, CORPORATIONS, OR ORGANIZATIONS

Payment for services rendered by public employees working in their city job capacities for private persons, corporations, or organizations and the rate of payment to such employees shall be as provided in the Employee Compensation Plan.

SECTION 505 STANDARD WORK PERIODS

- A. The standard work day for miscellaneous employees shall be eight (8) hours, and the standard work week shall be forty (40) hours. The work day for part-time employees shall be established and directed by the Department Head. The standard work period for miscellaneous employees shall be a 7 day period beginning at 12:01 a.m. on Wednesday through 12:00 p.m. the following Tuesday. The standard work period for Safety Employees shall be a 28 day period beginning at 12:01 a.m. on January 1, 1975.
- B. Full-time miscellaneous employees shall be entitled to two paid fifteen (15) minute breaks, one in the first half of the assigned shift and one in the second half. In addition, miscellaneous employees shall be entitled to one thirty (30) minute duty free, non-compensated meal break.

SECTION 505.1 EMPLOYEE COFFEE AND REST BREAKS

(Administrative Regulation — see Section 1221)

A morning and an afternoon coffee or rest break is authorized as beneficial to employee morale and facilitating the ability to work at peak efficiencies. Said coffee break or rest period is authorized for a fifteen minute period which is understood to be the total elapsed time that the employee is away from his/her work station for this purpose.

Each department head or foreman shall be responsible for administering the coffee break and rest period times in his/her department or work crew in such a manner that a working force is maintained at all times and able to render services required by the public at any particular time.

SECTION 506 EXCEPTIONS TO STANDARD WORK PERIODS

The City Administrator is authorized to designate other work periods and working hours for employees when, in his opinion, the best interest of the City may be served by such adjustment of the standard work periods and hours. The procedure for making such adjustments in the standard work periods, and hours, shall be consistent with the provisions of Section 3504.5 of the Government Code.

SECTION 506.1 FLEX TIME

Flex Time or alternate work schedules will be allowed at the discretion of the City Administrator.
(Res. No. 05-65)

SECTION 507 ATTENDANCE

Employees shall be in attendance at their work in accordance with rules and policies regarding hours of work, leaves, and related conditions. Department heads shall be responsible for maintaining employee attendance records which shall be reported to the City Administrator in the form and at the times prescribed by him.

Except in extraordinary circumstances, an employee who is unable to report for work at the beginning of his established shift shall notify his immediate supervisor in accordance with departmental regulations. Such regulations may reasonably vary due to operational considerations, but shall require that notification be provided by the employee prior to or as soon after the beginning of the employee's work shift as possible under the circumstances.

Failure to provide this notification may result in the unreported period of absence for the first day being considered as unauthorized leave without pay. An employee who is absent without notification for more than one work day may be subject to disciplinary action, including discharge, pursuant to Chapter 10 of these Rules and Regulations.

In order to insure employee availability for the performance of emergency services, the City Administrator may establish reasonable response time for employees to report to work after a call to duty under emergency conditions. This response time may vary by operating unit, but shall not serve to require employees to reside within City boundaries.

SECTION 508 PAY PERIODS

The pay period for all employees shall be bi-weekly and salaries will be paid on every second Friday. When the regular payday coincides with a holiday, paychecks will be issued in the work day immediately preceding such holiday. The method of distributing payroll checks shall be established by the City Administrator.

Except for employees being terminated, salaries will be paid only on regular paydays, unless early payment is approved by the City Administrator.

Employees leaving the municipal service will be paid on the first regular payday following the date of termination provided that written clearance is obtained from the Department Head and the employee has returned all City owned tools, clothing, keys and equipment, and has participated in the Exit Interview as provided in section 405.

SECTION 509 OVERTIME

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

B. Definition. Overtime for safety employees is defined as time worked in excess of 160 hours in a 28-day standard work period, or in excess of eight hours in any one shift.

Overtime for Refuse Division Employees is defined as time worked in excess of forty (40) hours in a given week and time worked on a Sunday.

Overtime for all other City employees, except department heads and appointed officers, is defined as time worked in excess of forty (40) hours in a standard workweek.

The overtime provisions in these Rules and Regulations do not apply to department heads, nor to officers appointed by the City Council, as defined in Section 102 (B).

C. Compensation. Employees will be compensated for overtime at a rate of payment one and one-half times their salary rate.

Employees may elect to receive compensatory time off in lieu of a cash payment for overtime worked.

D. Approval. Advance approval of the department head is required for all overtime work, although department heads may adopt standing orders which will constitute such advance approval according to the needs of the department. All overtime approval policies, including standing orders, are subject to the approval of the City Administrator. Each department is responsible for providing documentation for overtime payment, which will include at a minimum: (1) employee's name, (2) date and time overtime was worked, (3) number of hours worked, (4) reason for the overtime, and (5) department account number.

SECTION 509.1 DEPARTMENT HEAD TO DEVELOP PROCEDURES

Each Department Head will be responsible for developing procedures for the approval of overtime and for the reporting of overtime to the payroll officer.

(Administrative Regulation — see Section 1221)

SECTION 510 CALLBACK TIME

Any duty required of an employee by the City after the employee has completed a continuous period of duty and who must be called back to perform such additional duty or who is called back prior to one hour before a regular scheduled shift, shall receive a minimum of two (2) hours of overtime compensation.

SECTION 511 STANDBY COMPENSATION

Employees who are required to be on standby shall continue to be paid 12 regular time hours for the standby period, plus, if there is a holiday during their period of standby, they shall be allowed another day off with full pay either during the week before or the week after their period of standby. A "standby period" shall be one (1) calendar week beginning 12:00 a.m. Wednesday to 11:59 p.m. Tuesday.

Should an employee be called out on an emergency while they are on standby, they shall be paid as in Section 510 in addition to their standby pay.

SECTION 512 DEDUCTIONS FROM PAY

Deductions from an employee's pay shall be made in accordance with prevailing laws, the administrative rules and procedures established by the City, and any applicable memorandum of understanding.

SECTION 513 PAID HOLIDAYS

A. Regular Holidays for Pay Purposes. The following holidays are recognized as municipal holidays for pay purposes. Except as provided in Paragraph B, all regular and probationary employees shall have these days off:

1. January 1 - New Year's Day,
2. President's Day,
3. Memorial Day,
4. July 4,
5. Labor Day,
6. Veteran's Day,
7. Thanksgiving Day, and the Friday after Thanksgiving (§513(A.7.) Res. No. 02-60)
8. December 25 - Christmas Day
9. Employee's birthday to be taken within the week of his/her birthday,
- 10-12. Three floating holidays to be taken at the discretion of the Department Supervisor, and
13. Every day appointed by the City Council of the City of Ripon for public fast, Thanksgiving, or Holiday.

When a holiday falls on a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the day named. When a holiday falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day named.

B. Compensation in Lieu of Holiday Observance. Employees of the Police Department shall be paid eight hours at the straight-time rate of pay or shall receive eight hours or compensatory time for each listed holiday. In addition, if an employee in the Police Department actually works on a holiday, the employee will receive straight-time pay for all hours worked.

Police Department employees leaving the municipal service with accrued paid days in lieu of holidays shall be paid for all such days accrued prior to the date of termination.

City employees, other than Police Department employees, who are assigned to work on holidays shall receive eight hours of compensatory time off or, with the approval of the City Administrator, may receive eight hours of pay in addition to their normal holiday pay.

C. Timing of Holiday Pay. Employees of the Police Department will receive their compensation in lieu of holiday pay annually, in a lump sum during December. All other employees shall be compensated for holidays in the pay period in which holiday falls.

SECTION 514 COMPENSATION DURING ATTENDANCE AT TRAINING COURSES AND CONFERENCES

A. City employees should feel free to attend training courses available during their vacation, holidays or days off if they so desire. However, employees will be compensated for attendance at training courses held during these times only if they have obtained the prior written approval of their department head to attend such, on the following basis:

1. Holidays. Employees authorized to attend training courses on a holiday will receive compensatory time off on an hour-for-hour basis.
2. Vacations. Employees authorized to attend training courses held on their vacation days will be allowed to reschedule their vacation days spent in such training courses in lieu of compensation.

B. Compensation for Conference Attendance. City employees who attend conferences approved by the City shall be compensated for expenses as follows:

1. Fees. All conference and materials fees shall be paid by the City of Ripon.
2. Mileage. Employees shall be reimbursed at the current rate per mile as listed in the Employee Compensation Plan, for the distance (round trip) between Ripon and the meeting place. This rate per mile may be revised from time to time at the discretion of the City Council to reflect the maximum rate established by the Internal Revenue Service for reimbursement not reported as income.
3. Lodging. Whenever the conference is presented in a location sixty (60) or more miles from the City of Ripon, the City will reimburse the cost of one single occupancy room for each City representative attending the conference.
4. Meals and Subsistence. Whenever the conference is presented in a location sixty (60) or more miles from the City of Ripon, the City will reimburse the reasonable cost of meals and subsistence up to a maximum amount established by the City Administrator at the time that the conference attendance is approved.
5. Post Training. Compensation for expenses for mileage, lodging, meals and subsistence while attending P.O.S.T. training will be as provided by P.O.S.T. reimbursement policies.

SECTION 515 EDUCATION INCENTIVE

A. Tuition Reimbursement. After probation, regular City employees are eligible to receive tuition reimbursement for educational purposes which tend to improve their ability to accomplish their City jobs, or to enhance their career mobility within the City.

Eligibility for such reimbursement shall be based on:

1. Satisfactory completion of the course (passing grade of "C", or its numerical equivalent);
2. Course offered by an accredited college or university, or approved correspondence course;
3. Course attendance and outside course work accomplished on employee's non-work time;
4. Prior approval of the course by the department head and the City Administrator; and
5. Demonstration that the reimbursement does not exceed three (3) units per semester or quarter.

Reimbursement shall be made in accordance with the procedures provided in Administrative Regulation 515-1.

B. Recognition of Employees who Complete City Authorized Training Programs. Employees who complete City authorized job training programs, either in service or by volunteer study, will receive official City and public recognition by a presentation of any certificates of completion at a regular City Council meeting. It shall be the responsibility of each Department Head to notify the City Administrator's office concerning an employees' eligibility for certificate presentation and appropriate scheduling on Council Agenda.

Employees scheduled on the Council Agenda for certificate presentation are encouraged to be in attendance at the council meeting.

SECTION 515.1 REIMBURSEMENTS

The tuition reimbursement policy covers courses taken at accredited colleges and universities and approved correspondence courses. The policy also covers the cost for text books and other required course materials. Employees may request either prepayment of post-payment of tuition and textbook and material costs.

The appropriate Department Head and the City Administrator shall mutually agree that the requested course is directly related to the employee's present duties and that the immediate benefit to the City is sufficient to warrant the expenditure of City monies. The request will then be approved by the City Administrator.

If prepayment has been elected, the request must contain a statement of the cost of tuition and an itemized list of the cost of books and supplies.

Immediately upon completion of a course, verification of the grade received will be sent to the Personnel Office. This verification may be either in the form of a transcript, a letter from the class instructor or other responsible member of the school staff, or a certificate of satisfactory completion in the case of correspondence courses.

If the tuition and/or the cost of books and materials has been prepaid, confirmation of the grade received and a paid receipt for the tuition, books and materials must be submitted to the Personnel Office within sixty days

of the completion of the course. If this information is not received within that period of time, or if the employee fails to complete the course satisfactorily, the amount of the prepayment may be deducted from his paycheck.

If the tuition and/or the cost of books is being postpaid, a memo requesting payment, accompanied by confirmation of the grade received and a paid receipt for the tuition, books and materials, will be sent to the Personnel Office. The Personnel Office will in turn advise the Finance Coordinator that the course has been satisfactorily completed and payment is to be made.

None of the preceding instructions will be construed as applying to training courses which may be taken by employees at the request of the City or which the City may designate as a required course. (Administrative Regulation — see Section 1221)

SECTION 516 COMPENSATION FOR USE OF PRIVATE AUTOMOBILE ON CITY BUSINESS

City employees using their private vehicles for City business may receive a mileage allowance at the rate listed in the Employee Compensation Plan. Use of any private vehicle must be approved by the City Administrator in advance and is subject to the provision of Administrative Regulation. There will be no authorization for use of City credit cards, gas or other City materials, equipment or supplies in conjunction with a private vehicle.

SECTION 517 UNIFORM ALLOWANCE

Regular police personnel required to wear uniforms in the performance of their duties shall receive a uniform allowance as provided in the Employee Compensation Plan. Other regular City employees may receive uniform allowances when they are approved in the budgets of the respective departments.

Such allowances are to be used to acquire and maintain the specific departmental uniform in a neat and proper manner.

SECTION 517.1 UNIFORM ALLOWANCE FOR RIPON POLICE DEPARTMENT PERSONNEL

Regular Employees

The Chief of Police Shall Designate each position in the Police Department which will require the wearing of a uniform. Upon approval of the appointment of a new employee to any such position the City will purchase one complete uniform of that type and quality designated by the Chief of Police. After successfully completing their probationary period, new employees of the Police Department will be compensated with an annual uniform allowance in the amount specified in the Employee Compensation Plan, allowable on a fiscal year beginning on July 1.

Reserve Police Officers

Reserve Officers in good standing shall be provided with one uniform. This uniform shall be replaced from time to time as needed upon approval by the Chief of Police.

Uniforms Damaged in the Line of Duty

Uniforms damaged in the line of duty shall be replaced by the City upon approval by the Chief of Police.

Separation from Employment or Reserve Status

Upon separation from employment or reserve status, uniforms must be returned to the City. Returned uniforms must be cleaned, and in reasonably good condition when surrendered to the City. (Administrative Regulation — see Section 1221)

CHAPTER 6 - SICK LEAVE

SECTION 601 STATEMENT OF POLICY

Employees in the municipal service shall be provided paid sick leave as set forth below. These benefits shall not be considered as a right which an employee may use at his discretion, but shall be allowed only where justified by necessity and actual personal sickness or disability as provided in Section 603, below. Unwarranted use of the benefits provided under this Chapter may subject the employee to disciplinary action pursuant to Chapter 10 of these Regulations.

SECTION 602 ACCRUAL

Regular and probationary employees shall accrue sick leave credits at the rate of one workday per calendar month of service or fraction thereof above 50%. Accrual begins in the first calendar month for any employee employed on or before the 15th of that month, and the second month of service for any employee employed after the 15th of the month.

SECTION 603 SICK LEAVE USAGE

Accrued sick leave may be used in case of a bona fide illness or injury to an employee, and, under certain circumstances, for critical illness in the immediate family, as provided in Section 606 below. Sick leave credits may also be used for medical and dental appointments in accordance with Section 608.

Sick leave may not be used in increments of less than one hour and usage shall be charged to the employee's balance on an hour-for-hour basis. (Res. 90-71)

SECTION 604 NOTIFICATION AND VERIFICATION

A. Advance Notice Requirement. In order for sick leave to be granted, an employee who, because of illness or injury, is unable to report to work, shall so notify his immediate supervisor in accordance with departmental regulations or policies.

Failure to provide such notification without good reason may result in that day of absence being treated as an unauthorized leave of absence without pay. The determination in this regard shall be made by the department head. Where the period of absence due to illness or injury is not known at the outset, it shall be the responsibility of the employee to remain in contact with his or her immediate supervisor.

B. Verification by Physician. The employee may be required to file a physician's certificate or a personal affidavit with the City Administrator, stating the cause of absence in the case of:

1. Absence for three (3) or more consecutive work days.
2. Absence of five (5) or more workdays in any month; or
3. Whenever the Department Head reasonably believes that reasons exist to request such verification.

SECTION 605 LEAVE FOR PREGNANCY DISABILITY

A. Employees are entitled to use their accumulated sick leave for disabilities caused, or contributed to, by pregnancy, miscarriage, childbirth, and recovery therefrom on the same terms and conditions governing the use of sick leave for other illness or medical disability. Such leave shall not be used for child care, child rearing, or preparation for child rearing, but shall be limited to those disabilities as

set forth above. The length of such leave, including the date on which the leave shall commence and the date on which the duties are to be resumed, shall be determined by the employee and her physician. However, the City Administrator may require a verification of the extent of disability through a physical examination by a physician appointed by the City at the City's expense.

- B. After paid sick leave has been exhausted, employees are entitled to leave without pay or other benefits up to a total combined leave of 4 months for disabilities because of pregnancy, miscarriage, childbirth, or recovery therefrom.
- C. Following such leave, the employee shall be returned to her original position, or if that position is not available, to an equivalent position within her classification.

SECTION 606 FAMILY ILLNESS

Employees having available sick leave to their credit may utilize such credits when an emergency occurs due to the illness of a member of the employee's immediate family.

Up to one day of accrued sick leave may be used for this purpose in any one instance, except on approval of the City Administrator.

"Immediate family" shall be defined as parent, spouse, child, brother or sister, whether by marriage, blood or legal adoption of any close relation residing in the employee's household.

The City Administrator may authorize the use of additional amounts of sick leave for this purpose and may also permit the use of such leave for other than the family members defined above. The approval of such extensions shall be based upon hardship or unusual circumstances and shall require the prior written approval of the City Administrator.

SECTION 607 BEREAVEMENT

In the event of a death of a member of an employee's immediate family, as defined in Section 606, up to three (3) days of accumulated sick leave may be used upon approval of the Department Head. Leave in excess of three (3) days may be approved by the City Administrator.

SECTION 608 MEDICAL/DENTAL APPOINTMENTS

Accrued sick leave may, with advance department head approval, be used for medical and dental appointments of the employee where it is unfeasible to schedule them on the employee's own time.

SECTION 609 PAYMENT FOR ACCUMULATED SICK LEAVE ON RETIREMENT

Upon retirement, employees having unused accumulated sick leave shall be paid thereof in an amount equivalent to one-hundred percent (100%) of their then current daily wage rate for each day of unused sick leave. The employee will have the option to convert the amount due to either (1) paid medical/dental insurance; or (2) receive a single lump sum cash payment; or (3) installments of up to three equal cash payments. To be eligible for insurance premium payment, the employee must also be eligible for the insurance coverage as provided in the policy between the City and the Carrier selected. (Res. No. 97-80; Res. No. 99-86)

SECTION 609.1 PAYMENT FOR ACCUMULATED SICK LEAVE BEFORE RETIREMENT

Employees have the option, on an annual basis, to convert six out of the twelve days of unused sick leave for payment. If any sick days are used, these must be subtracted from the sick days that could have been converted.

Thirty (30) days of sick leave must remain in accrual after qualifying sick days have been redeemed. (Res. No. 97-80)

SECTION 609.2 CASH OUT SICK LEAVE

Employees with 20 years or more of continuous service will be allowed to cash out their sick leave or use it toward medical benefits. (Res. No. 05-65)

SECTION 609.3 PAYMENT OF SICK LEAVE TO HEIRS OF DECEASED EMPLOYEE

Upon the death of an employee of the City, the heirs of said employee will receive any earned and unused sick leave due to the employee upon his/her death.

SECTION 610 EMPLOYEES LEAVING BEFORE RETIREMENT

Employees leaving the municipal service for reasons other than retirement, shall forfeit all accumulated sick leave.

SECTION 611 EXTENDED ILLNESS LEAVE - NON-INDUSTRIAL

Upon depletion of accumulated sick leave, and upon the recommendation of the Employee's Department Head, an employee who is unable to return to work because of non-industrial illness or injury may be placed on medical leave of absence without compensation for a period not to exceed sixty (60) days. If the employee is unable to return to work at the end of this period, he must request further medical leave which will be subject to approval of the City Administrator. If further leave is granted, the employee must notify the City of his intent to return to work every thirty (30) days. If further leave is granted, the employee must notify the City of his intent to return to work every thirty (30) days. If further leave is not granted, the employee's service with the City shall be considered terminated.

During this leave the employee may elect to continue medical and dental insurance coverage at the employee's own expense.

SECTION 611.1 CATASTROPHIC LEAVE PROGRAM

The City will provide a voluntary catastrophic leave program that gives employees the opportunity to assist a fellow employee who has or will exhaust paid leave due to a catastrophic or serious illness, injury or other medical condition of the employee or his/her family member.

1. Employee Receiving Donated Leave (Recipient) - An employee is eligible to receive donated leave under the following conditions:
 - Employee is a regular full-time employee who has completed the probation period in accordance with the City of Ripon Merit System.
 - Employee or a family member is experiencing a catastrophic or serious illness, injury or other medical condition that is not work related which prevents them from being able to work for at least 7 days.
 - A family member for this program is defined as spouse, registered domestic partner, or another dependent as defined in the Internal Revenue Code (26 U.S.C. sec. 152 as amended from time to time)
 - A catastrophic or serious illness, injury or other medical condition, for this program, is defined as an acute or prolonged illness, injury, or other medical condition resulting in the employee's inability to work, either due to his/her own injury illness or medical condition,

or that of a family member, requiring that the employee take time off work to care for the seriously ill or injured family member.

- Employee has exhausted all of his/her paid leave balances or will do so before the return to work date and is not receiving Workers' Comp or any disability payments. However if an employee is denied a workers' comp claim or is no longer receiving disability payments, they can then request Catastrophic Leave.
- Employee has provided documentation of a medical diagnosis from a qualified health provider.
- Employee must complete an employee request for catastrophic leave donation form requesting the number of hours they deem will be needed.
- Total credits received by the employee shall not exceed the amount of time the employee is required to be absent from work because of the catastrophic or serious illness, injury or other medical condition.

2. Employee Donating Leave (Donor) - Employees are eligible to donate paid leave (Vacation, Sick & Comp Time) under the following conditions:

Employee is a regular full-time employee who has completed the probation period in accordance with the City of Ripon Merit System.

- Donations must be made in 1 hour increments and may not exceed 32 hours. Donated leave shall be converted on an hour to hour basis.
- Donor's accrued leave may not be reduced to less than 80 sick and/or vacation hours after the donation is made.
- Once the leave is donated and posted to the Recipient, the Donor irrevocably loses all rights and privileges to the leave hours donated.
- Donated leave will be viewed as used and may affect the donors ability to receive a payment for sick leave per section 609.1 of the Merit System or payout of vacation time per section 706 of the Merit System.
- Employees cannot donate any time once the employee has provided a notice of resignation.
- Hours are donated on a first received basis until the amount requested by the recipient is met.

SECTION 612 WORKER'S COMPENSATION POLICE DEPARTMENT PERSONNEL

An employee of the Police Department who is a member of PERS, and entitle to the benefits of Labor Code section 4850, and who is absent from work by reason of an injury or illness covered by Worker's Compensation, shall be allowed up to a one year leave of absence, as required by his condition, with the City supplying the difference between the amount granted pursuant to such Worker's Compensation and the employee's regular rate of pay.

1. An employee of the Police Department who is absent from work by reason of any injury or illness covered by Workers' Compensation will continue to accrue all benefits and consideration for normal salary increases as though he were no on leave of absence.
2. Whenever such disability of an employee continues for a period beyond one year, the leave of absence may continue until the expiration of his accrued sick leave, vacation, and compensatory

time off for overtime and paid days in lieu of holidays, calculated to the nearest $\frac{1}{2}$ day, with compensation at the employee's regular rate of pay.

3. When it appears the employee cannot return to work by the expiration of such allowances, disability retirement shall be requested by the City to become effective at the expiration of these allowances, unless the employee applies for or consents to his retirement as of an earlier date, at which time he may be compensated for his accrued benefits at his regular rate of pay.
4. No employee of the Police Department shall be paid any disability indemnity under Workers' Compensation concurrently with wages or salary payments made by the City amounting to more than his regular rate of pay at any time during his leave of absence.
5. No employee of the Police Department shall receive wage and salary payments from the City after a period of five years from the date of injury, for any one injury.

SECTION 613 WORKERS' COMPENSATION - ALL OTHER CITY EMPLOYEES

Any employee not covered by Section 612 who is absent from work by reason of any injury or illness covered by Workers' Compensation may elect to continue in pay status under the following provisions:

1. The difference between the amount granted pursuant to such Workers' Compensation and the employee's regular rate of pay shall be deducted from the employee's accumulated sick leave, compensatory time off, and when authorized by the employee, vacation days.
2. Such an employee will continue in pay status and receive his/her regular rate of pay until his/her accumulated sick leave, compensatory time off, and vacation days have been depleted to nearest on-half ($\frac{1}{2}$) day;
3. When an employee is in pay status while absent from work by reason of injury or illness covered by Workers' Compensation, the employee shall continue to accrue all benefits as though he/she were not on leave of absence; and
4. Any employee, other than Police Department personnel, who depletes accumulated sick leave, compensatory time off, holidays, and vacation days to maintain pay status while absent from work by reason of an injury or illness covered by Workers' Compensation shall be removed from pay status.

CHAPTER 7 - VACATION LEAVE

SECTION 701 ELIGIBILITY

- A. Regular Employees. Regular employees shall be eligible for vacation leave as provided in Section 702 of these Rules and Regulations.
- B. Temporary Employees. Temporary employees shall not be eligible for vacation leave.
- C. Probationary Employees. Probationary employees shall accrue vacation leave during their period of probation in the same manner as regular employees. However, probationary employees shall not be eligible to utilize vacation leave during the first six months of their employment.

SECTION 702 VACATION ACCRUAL

Eligible employees shall accrue annual vacation leave on a monthly basis as provided below:

<u>Years of Continuous Service</u>	<u>Working Days Per Month/Year</u>	
First 4 years	0.84 / 10 Days	
After 4 years	1.25 / 15 Days	
After 14 years	1.67 / 20 Days	
After 25 years	2.09 / 25 Days	(Res No. 02-60)

In order to be eligible for accrual in any given month, an employee must be in paid status for no less than 50% of the assigned work days in that month.

SECTION 703 USE OF VACATION

Employees shall be required to serve 6 months of continuous service before any vacation days may be taken. At the end of six months of continuous service, employees shall be credited with, and may use, 5 days of accrued vacation leave.

The department head and the employee shall schedule the times at which vacation leave is to be taken in accordance with Departmental Rules which shall take into consideration the desires of the employee and the operational needs of the department. Vacation leave accrual in one calendar year may not be taken until after January 1st of the following calendar year.

Based upon operational needs or employee preference, the use of vacation leave available in one calendar year may be deferred to the following calendar year. However, the total amount of vacation which may be deferred in this fashion shall not exceed five (5) days. Deferral of accrued vacation must have the written approval of the department head and the City Administrator.

SECTION 704 HOLIDAYS DURING VACATION LEAVE

In the event that a City holiday falls during an employee's vacation leave, that day shall not be charged against the employee's accrued vacation leave.

SECTION 705 PAYMENT OF ACCRUED VACATION LEAVE UPON TERMINATION

Employees leaving the municipal service with accrued vacation leave shall be paid for all such leave accrued prior to the date of termination at their current rate of pay.

SECTION 705.1 CONVERT VACATION TIME TO HOLIDAY PAY

Employees will be allowed to exchange vacation time for holidays worked and get holiday pay at the end of the year at the discretion of their Supervisor. (Res. 05-65)

SECTION 706 SPECIAL CIRCUMSTANCE REQUEST FOR PAYOUT ON VACATION TIME

Employees have the option, on an annual basis payable once per year each November, to convert up to 40 hours of vacation time for payment. Employees shall maintain a minimum of 80 hours of vacation to be eligible for payment of accumulated vacation time. (Res. 14-36)

CHAPTER 8 - OTHER LEAVES OF ABSENCE

SECTION 801 LEAVE OF ABSENCE WITHOUT PAY

At the discretion of the City Administrator, leave of absence without pay or benefits may be granted in cases of emergency or where such absence would not be contrary to the best interests of the City. Such unpaid leave is not a right but a privilege. Leaves of absence without pay shall not exceed one year. Once authorized, an unpaid leave may not be extended without express approval of the City Administrator. During unpaid leave, the employee does not accumulate seniority or benefits, and may not use previously accumulated vacation or sick leave benefits. During this leave the employee may elect to continue medical and dental insurance coverage at the employee's own expense.

SECTION 802 LEAVE OF ABSENCE FOR DEATH OUTSIDE IMMEDIATE FAMILY

Leave without pay may be granted to a regular employee, in accordance with Section 801, in the event of the death of a family member other than an immediate family member as defined in Section 606.

SECTION 803 MILITARY LEAVE

Military leave without pay shall be granted in accordance with the provisions of the State Military and Veterans Code. An employee requesting leave for this purpose shall provide the department head with a copy of the military orders specifying the dates, site and purpose of the activity or mission. Within the limits of such orders, the department head may, with the approval of the City Administrator, determine when the leave is to be taken and may modify the employee's work schedule to accommodate the request for leave.

SECTION 804 PARENTAL LEAVE

- A. Parental leave of absence without pay or benefits may be granted upon request to non-disabled, regular, and probationary employees for a period of time as requested by the employee up to one (1) year.
- B. Parental leave may be granted for the purposes of preparation for childbirth, child rearing, for attending the birth of an employee's natural child, or for adoption.
- C. Parental leave may be granted when the following conditions have been met:
 1. The employee shall notify his/her department head in writing, as soon as possible but no later than ninety (90) days prior to the tentative date on which the leave is to begin. Such notice shall include the tentative dates on which the leave shall begin and end.
 2. Within thirty (30) days prior to the beginning of the parental leave, the employee shall submit to the City Administrator the specific dates of the leave.
 3. The City Administrator may designate the specific beginning and ending dates within the pay period requested by the employee to meet the needs of the employee and the City.
- D. At the conclusion of an approved parental leave of three months or less, the employee shall be returned to his/her original position or to an equivalent position within the prior classification. At the conclusion of an approved parental leave of one (1) year or less, the employee shall be returned to his/her original position or to an equivalent position within the prior classification, if a vacancy exists. If no vacancy exists at that time, the employee shall be entitled to the next such vacancy occurring within one (1) year of the conclusion of the leave.

E. Parental leave is granted without pay or benefits for the duration of leave. During this leave the employee may elect to continue medical and dental insurance coverage at the employee's own expense.

SECTION 805 LEAVE TO VOTE

Time off with pay to vote in any general, direct primary, or presidential primary election shall be granted as provided in the State of California Elections Code. Notice that an employee desires such time off shall be given in accordance with the provisions of the code.

SECTION 806 LEAVE FOR JURY DUTY

Employees required to report for jury duty shall be granted a leave of absence with pay from their assigned duties until released by the court, provided the employee remits to the City all fees received for such duties, other than mileage or subsistence allowance, within thirty (30) days from the termination of jury service.

SECTION 807 LEAVE FOR APPEARANCE REQUIRED BY SUBPOENA

Regular employees who are subpoenaed to appear as witnesses on behalf of the State of California or any of its agencies may be granted leaves of absence with pay from their assigned duties until released. The employee shall remit all fees received for such appearances, other than mileage or subsistence allowance, to the City within thirty (30) days from the termination of his services.

SECTION 808 LEAVE FOR ATTENDANCE AT INDUSTRIAL ACCIDENT COMMISSION HEARINGS OR RELATED PHYSICAL EXAMINATIONS

Employees who have been injured in the course and scope of their employment with the City and who are required, as a result of such injury, to be absent from duty to take physical examinations required by the City's Workers' Compensation Insurer or the Industrial Accident Commission, or to attend hearing of the Industrial Accident Commission, may be granted leave with pay for such absences by the City Administrator when he determines such absences are in the best interest of the City, and only if the employee is in paid status at the time of the scheduled examination or hearing. Applications for such leaves of absences shall be filed in advance with the City Administrator.

CHAPTER 9 - PROBATIONARY STATUS

SECTION 901 PROBATIONARY PERIOD

All original and promotional appointments to merit system positions shall be subject to successful completion of a probationary period. The applicable probationary periods are as follows:

Public Works employees appointed on or before 12-22-88—six (6) months;

Public Works employees appointed after 12-22-88—twelve (12) months;

Police Department employees appointed on or before 7-11-89—twelve (12) months;

Police Department employees appointed after 7-11-89—eighteen (18) months; and

All other employees—twelve (12) months.

SECTION 902 OBJECTIVE OF PROBATIONARY PERIOD

The probationary period shall be regarded as a part of the selection and testing process, and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to his/her position, and for rejecting a probationary employee whose performance does not meet the acceptable standards of work.

SECTION 903 PROBATIONARY EMPLOYEE PERFORMANCE REPORTS

A performance report of each probationary employee shall be made by the Department Head on the City's adopted form according to the directions thereon and forwarded to the Personnel Officer. The evaluation shall be completed by the employee's immediate supervisor, and approved by the Department Head, who will then present the evaluation to the employee. Evaluations shall be completed after the employee's first, third and sixth month of service, and then every six (6) months thereafter for the duration of the probationary period.

SECTION 904 REJECTION FROM ORIGINAL PROBATION

- A. During the probationary period following original appointment, an employee may be rejected from probation and terminated at any time, subject to the approval of the City Administrator, without cause and without the right of appeal.
- B. In addition, a probationary employee may be subject to discipline for cause, as provided in Chapter 10.

SECTION 905 REJECTION FROM PROMOTIONAL PROBATION

- A. During the probationary period following promotional appointment, an employee may be rejected from probation and returned to the employee's prior position, at any time, for failure to meet probationary standards of the promotional position.
- B. Employees rejected from promotional probation shall have the right to an appeal conference before the City Administrator. The procedure for this appeal shall be as provided in Section 1009.
- C. Employees who elect a voluntary demotion during or at the conclusion of the promotional probationary period may be reinstated to the position from which he/she was promoted or to a comparable position, subject to vacancies available at that time.

D. In addition, a probationary employee may be subject to discipline for cause, as provided in Chapter 10.

SECTION 906 DISCIPLINARY PROBATION

Disciplinary probation is not subject to the provisions in Sections 901-905 above. Disciplinary probation is imposed pursuant to the provisions of Chapter 10, below. An employee subject to disciplinary probation shall be subject to discharge for failure to satisfy conditions of probation, for failure to demonstrate improvement in his/her evaluation, or for cause as provided in Chapter 10.

CHAPTER 10 - DISCIPLINARY PROCEEDINGS

SECTION 1001 DISCIPLINARY ACTION - DEFINITION

- A. As used in this chapter, "disciplinary action" shall mean discharge, demotion, reduction in salary, written or oral reprimand, disciplinary probation and /or suspension without pay.
- B. The procedures set forth in this Chapter shall not apply to probationary employees who are rejected from probation pursuant to Chapter 9 of these Rules, or to any employee employed on a temporary basis, or to any employee exempted from the provisions of this Chapter pursuant to Section 102 (B) or (C).
- C. The procedures set forth in this Chapter shall not apply to a reduction in force, or a reduction in pay which is part of a general reclassification plan.
- D. The procedure set forth in this Chapter shall not preclude an employee from entering into a written agreement with the City to settle a pending disciplinary matter, and further shall not preclude an employee from waiving any of the notice provisions here-in-above provided for, as part of that written settlement agreement.

SECTION 1002 CAUSES FOR DISCIPLINARY ACTION

Causes for disciplinary action against any employee may include, but shall not be limited to, the following:

- A. Fraud or dishonesty in securing appointment;
- B. Incompetence, unsatisfactory performance, or inexcusable neglect of duty;
- C. Insubordination or willful disobedience;
- D. Failure to cooperate reasonably with supervisors, or fellow employees;
- E. Dishonesty;
- F. Consumption of or being under the influence of alcoholic beverages or narcotics while on duty;
- G. Unlawful use, sale or possession of narcotics, or habit forming drugs;
- H. Commission or conviction of a felony, or of a misdemeanor involving moral turpitude;
- I. Inexcusable absence without leave;
- J. Discourteous treatment of the public or other City staff;
- K. Unlawful political activity;
- L. Violation of safety procedures;
- M. Misuse of City property or funds;
- N. Violation of the Merit System Rules and Regulations, Departmental Rules and Regulations, Collective Bargaining Agreement, or State or Federal law;

- O. Any other act, either during or outside of duty hours, which is detrimental to the public service or brings discredit to the City; or
- P. Refusal to take or subscribe to any oath or affirmation which is required by law in connection with employment; or
- Q. Failure to maintain required licenses or certifications.

SECTION 1003 PERSONS BY WHOM DISCIPLINARY ACTION MAY BE TAKEN - NOTICE REQUIREMENTS

- A. The City Administrator or any Department Head may take the following disciplinary actions against an employee under his/her supervision for one or more of the causes for discipline specified in this Chapter by notifying the employee in the manner provided:
 1. Oral reprimand—verbal notification;
 2. Written reprimand—written notice of the reprimand by personal service or by registered mail; or
 3. Suspension without pay up to and including three (3) days—written notice by personal service or by registered mail prior to imposition of discipline, or within twenty four (24) hours following imposition of discipline.
- B. Where the contemplated discipline is a discharge, demotion, reduction in salary, or suspension without pay for more than three (3) days, the appointing authority may take disciplinary action against an employee for one or more of the causes for discipline specified in this chapter, as follows:
 1. The employee shall be served in person or by registered mail, with a written “Notice of Intended Discipline,” setting forth the specific nature thereof, the duration, the proposed effective date, and the reasons for the proposed discipline, along with a copy of the charges and materials upon which the action is based;
 2. The Notice shall also advise the employee that he/she has five (5) calendar days in which to respond either orally or in writing at an informal conference before the City Administrator or hi/her designate, and of the employee’s right to be represented by counsel or a representative in that response; and
 3. This five (5) day period may be extended by the City Administrator or his/her designate for the convenience or necessity of the City or the employee.
- C. No demotion, discharge, reduction in salary, disciplinary probation or suspension in excess of three (3) days shall be valid unless a formal written “Notice of Discipline” is served upon the employee prior to the effective date of the discipline. Such Notice shall be served upon the employee either personally or by registered mail, and shall include:
 1. A statement of the nature of the disciplinary action;
 2. A statement of the cause(s) upon which the action is based, together with a concise statement of the facts establishing cause for the discipline;
 3. The effective date of the discipline;

4. A statement advising the employee of the right to appeal if demanded within ten (10) calendar days after service of the Notice to the employee; and
5. A card or paper, the signing and filing of which with the City Administrator shall constitute a demand for hearing and denial of all charges.

SECTION 1004 RIGHT OF APPEAL - FORM

- A. Any employee who has been discharged, demoted, reduced in salary, placed on disciplinary probation or suspended for more than three (3) days has the right to appeal the discipline to the City Council or its designate.
- B. Such appeal must be filed with the City Administrator within ten (10) calendar days after receipt of the Notice of Discipline. Failure to file an appeal within such period constitutes a waiver of the right of appeal.
- C. The appeal must be in writing, and must state specifically the reasons upon which it is based, and may be made on the form provided with the Notice of Discipline.

SECTION 1005 HEARING

- A. Within twenty (20) working days from receipt of the appeal, the City Administrator shall schedule a hearing. Reasonable attempts shall be made to commence the hearing within sixty (60) calendar days from receipt of the notice of appeal. The City Administrator shall provide the employee written notice of the date, time and place of the hearing no less than ten (1) working days in advance of the scheduled date. Any time lines contained in this Section may be extended upon mutual agreement or the City Administrator and the employee, or by the City Administrator for good cause.
- B. The hearing may be scheduled before the entire City Council, or a committee thereof designated by the City Council, or be any other person designated by the City Council to hear the matter.
- C. The hearing shall be closed to the public unless the employee requests in writing that it be open to the public. The hearing shall be conducted in accordance with the provisions of Section 11513 of the Government Code, which reads:
 1. Oral evidence shall be taken only on oath or affirmation.
 2. Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If respondent does not testify in his own behalf, he may be called and examined as if under cross-examination.
 3. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil action. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.

- D. Either by deposition or at the hearing, the employee may be examined and may examine or cause any person to be examined under Section 776 of the Evidence Code. The employee shall be allowed to appear personally at the hearing, and he shall have the right to legal counsel or lay representation of his choice at all times throughout the proceeding, and be allowed to produce such competent evidence in his own defense and in rebuttal of the charges as he or his counsel may wish to offer.
- E. The hearing shall be recorded by a stenographic reporter. If any transcript is ordered by the employee or the City, the party ordering the transcript shall bear the cost of the transcription. If both the employee and the City order transcription, along with the cost of the reporter, shall be borne equally by the City and the employee.

SECTION 1006 WITNESSES

The Hearing Office (individual designated, committee chairperson, or Mayor) shall have the power to subpoena and require the attendance of witnesses, and the production of books, papers and other evidence pertinent to the hearing, and to administer oaths to witnesses.

SECTION 1007 FAILURE OF EMPLOYEE TO APPEAR AT HEARING

Failure of the appellant to appear at the hearing shall be deemed a withdrawal of his appeal and the action of the City Administrator shall be final, unless in the opinion of the City Administrator the circumstances were beyond the employee's control.

SECTION 1008 DECISIONS

- A. In arriving at a decision, the hearing body (individual, committee or council) may consider any prior disciplinary actions taken against the employee, or any prior proceedings under this Chapter. The decision shall be in writing and contain findings of fact and a statement of the disciplinary action, if any. The findings may be stated in the language of the pleadings or by reference thereto. Copies of the decision shall be delivered to the parties personally or sent to them by registered mail.
- B. In the event that the matter is heard by a committee or other individual designated by the Council, the opinion rendered shall be advisory only and not binding on the Council. In the event that the matter is heard by the Council directly, the decision shall be final and binding.
- C. Upon receipt of an advisory opinion, the Council shall render a final decision to adopt, modify, or reject the proposed opinion and issue a new opinion. The Council shall have the opportunity to review the transcript of the record before modifying or rejecting the proposed opinion.
- D. At any time before an employee's appeal is submitted to the Council for final decision, the City Administrator may serve on the employee an amended or supplemental notice of disciplinary action. If the amended or supplemental notice presents new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare his defense thereto, but shall not be required to file a further appeal request, as any new causes or allegations shall be deemed controverted.

SECTION 1009 APPEAL OF LESSER DISCIPLINES

- A. Any regular or probationary employee who has been suspended without pay up to and including three (3) days, or transferred for purposes of punishment, or who has received a written reprimand,

has the right to appeal the discipline to the City Administrator. This appeal procedure will also be available to employees rejected from promotional probation pursuant to Section 905.

- B. Such appeal must be filed with the City Administrator within ten (10) working days after receipt of the Notice of Discipline or Notice of Transfer. Failure to file an appeal within such period constitutes a waiver of the right to appeal.
- C. The appeal must be in writing, and must state specifically the reasons upon which it is based.
- D. Within ten (10) working days of receipt of such an appeal, the City Administrator shall schedule a conference with the public safety officer. The public safety officer shall have the opportunity to submit a response to the discipline, either orally or in writing, and to make argument as to why the discipline should not be imposed. The public safety officer shall have a right to representation during this conference.
- E. Upon conclusion of the conference, the City Administrator shall make any additional inquiries as necessary for a decision on the merits of the appeal. Within ten (10) working days after the conclusion of the conference, the City Administrator shall render a written decision on the matter, which shall be conclusive and not subject to reconsideration.
- F. Any time limit specified herein may be extended by the City Administrator for appropriate cause.

CHAPTER 11 - GRIEVANCE PROCEDURES

SECTION 1101 PURPOSE AND SCOPE

- A. The purpose of this grievance procedure is to promote communication and improve employer-employee relations by establishing a procedure for further consideration of matters for which no other hearing procedure is provided by these Rules, by other City of departmental regulations, or by State or Federal law. These procedures are not applicable to actions taken pursuant to Chapters 9, 10 or 12 of these Rules.
- B. It is the objective of these procedures to encourage settlement of disputes as near as possible to the point of origin, and as informally as possible.

SECTION 1102 DEFINITIONS

As used in this Chapter, the following definitions shall apply:

- A. A “grievance” is a formal written allegation by an employee who has been adversely affected by an alleged violation of the specific provisions of the City’s Merit System Rules and Regulations, the Administrative Regulations, any Memorandum of Understanding, or Departmental Rules or General Orders.
- B. A “grievant” is any employee adversely affected by an alleged violation of the specific provisions of the Merit System Rules and Regulations, the Administrative Regulations, any Memorandum of Understanding or Departmental Rules or General Orders, or is any Employee Organization if grieving its rights under any of the above.
- C. A “day” is any day in which the City Offices are open for business.
- D. The “immediate supervisor” is the lowest level supervisor or manager who has been designated to adjust grievances and who has immediate jurisdiction over the grievant. In the case of an employee organization, the “immediate supervisor” is the Department Head.

SECTION 1103 GENERAL PROVISIONS

- A. All documents dealing with the processing of a grievance shall be filed separately from the personnel files of the participants.
- B. Failure of the grievant to adhere to the time deadlines shall mean that the grievant is satisfied with the previous decision and waives the right to further appeal. Failure of the City to adhere to the time deadlines at any level shall mean that the grievance is automatically denied and the grievant may appeal to the next level, if any.
- C. The grievant and the City may extend any time deadline by mutual agreement. Absence of either party constitutes a basis for extension of time lines and the City may provide extensions under these circumstances.
- D. Every effort will be made to schedule meetings for the processing of grievances at times which will not interfere with the regular work day of the participants. If any grievance meeting or hearing must be scheduled during the workday, any employee required by either party to participate as a witness or grievant in such meeting or hearing shall be released from regular duties without loss of pay for a reasonable amount of time.

- E. Either party to the grievance may be represented at any step of the grievance procedure by an individual or organization of that party's choice.
- F. Any employee may at any time present grievances to the City and have such grievances adjusted without the intervention of an Employee Organization, as long as the adjustment is not inconsistent with the terms of this or any Memorandum of Understanding covering such employee, and provided that the City shall not agree to a resolution of the grievance until the employee's bargaining representative has received a copy of the grievance and has been given the opportunity to file a response.
- G. Until final disposition of a grievance, the grievant shall comply with the directions of the grievant's immediate supervisor.
- H. No party to a grievance shall take any reprisals against the other party to the grievance because the party participated in an orderly manner in the grievance procedure.
- I. Grievances of a similar or like nature may be joined as a single grievance by the City. The final decision in such cases shall be binding upon all parties to the consolidated grievance.

SECTION 1104 PROCEDURE

Grievances will be processed in accordance with the following procedures:

A. Level I - Informal Resolution

Any employee or employee organization who believes he/she has a grievance shall present the grievance orally to the immediate supervisor within ten (10) days after the grievant knew, or reasonably should have known, of the circumstances which form the basis for the grievance. The immediate supervisor shall meet with the employee and attempt to resolve the matter.

B. Level II - Formal Written Grievance

- 1. If the grievance is not settled within ten (10) days of initial informal presentation, and the grievant wishes to pursue the matter, the grievant shall present the grievance in writing on the appropriate form to the Department Head within ten (10) days after the oral decision by the immediate supervisor. The written information shall include:
 - a. A description of the specific grounds of the grievance, including names, dates, and places necessary for a complete understanding of the grievance.
 - b. A listing of the specific rule, regulation or provision which is alleged to have been violated;
 - c. A listing of the reasons why the immediate supervisor's proposed resolution of the problem is unacceptable; and
 - d. A listing of specific actions requested of the City which will remedy the grievance.
- 2. The department head shall communicate the decision to the grievant in writing within ten (10) days after receiving the grievance. If the department head does not respond within the time limits the grievance shall be deemed denied and the grievant may appeal to the next level.

3. Within the above time limits either party may request a personal conference.

C. Level III - Appeal to City Administrator

1. If the grievant is not satisfied with the decision at Level II, the grievant may, within ten (10) days of the receipt of the decision at Level II, appeal the decision to the City Administrator on the appropriate form. This statement shall include a copy of the original grievance and appeal along with a clear, concise statement of the reasons for the appeal.
2. The City Administrator shall communicate the decision to the grievant within ten (10) days. If the City Administrator does not respond within the time limits provided, the grievance shall be deemed denied and the grievant may appeal to the next Level.
3. The decision of the City Administrator shall be final and binding.

CHAPTER 12 - EMPLOYER-EMPLOYEE RELATIONS

PART A - GENERAL PROVISIONS

SECTION 1201 STATEMENT OF PURPOSE

This Chapter implements Chapter 10, Division 4, title 1 of the Government Code of the State of California (Sections 3500 et seq.) captioned “Local Public Employee Organizations,” by providing orderly procedures for the administration of employer-employee relations between the City and its employee organizations.

It is the purpose of this Chapter to promote full communication between the City and its employees by providing procedures for meeting and conferring in good faith with recognized employee organizations regarding wages, hours, and other terms and conditions of employment, and to promote the improvement of personnel management and employer-employee relations by providing a uniform basis for recognizing the right of public employees to join organizations of their own choice and be represented by such organizations in their employment relationships with the City. However, nothing contained herein shall be deemed to supersede the provisions of federal, state or local law, ordinances, resolutions or rules which establish and regulate the merit and civil service system, or which provide for other methods of administering employer-employee relations. This Chapter is intended, instead, to strengthen merit, civil service and other methods of administering employer-employee relations through the establishment of uniform and orderly methods of communications between employees, employee organizations, and the City.

SECTION 1202 DEFINITIONS

As used in this Chapter 12 only, the following terms shall have the meanings indicated:

1. **Appropriate Unit** means a unit of employee classes or positions which is currently recognized by the City or which is established for representation purposes pursuant to Part B of this Chapter.
2. **City** means the City of Ripon, and, where appropriate herein, refers to the City Council or any duly authorized City representative as herein defined.
3. **Confidential Employee** means an employee who, in the course of his or her duties, has access to information, or is privy to decisions of City management relating to the City’s administration of employer-employee relations.
4. **Consult/Consultation in Good Faith** means to communicate orally or in writing for the purpose of presenting and obtaining views or advising of intended actions; and as distinguished from meeting and conferring in good faith regarding matters within the required scope of such meet and confer process, does not involve an exchange of proposals and counter-proposals in an endeavor to reach agreement, nor is it subject to Part D of this Chapter.
5. **Day** means a calendar day unless expressly stated otherwise.
6. **Employee** means any person employed by the City on a permanent or probationary basis, excluding persons elected by popular vote or appointed by the City Council.
7. **Employee Organization** means any organization which includes employees of City and which has as one of its primary purposes representing those employees in their relations with the City.
 - a. **Recognized Employee Organization** means an employee organization which has been acknowledged by the City as an employee organization that represents employees of the City.

- b. **Exclusively Recognized Employee Organization** means an employee organization which has been formally acknowledged by the City as the sole employee organization representing the employees in an appropriate representation unit pursuant to Part B of this Chapter, and which has thereby assumed the corresponding duty of fairly representing such employees.
- 8. **Employee Relations Officer** means the City Administrator, or his or her duly authorized representative.
- 9. **Impasse** means the inability of the City and a recognized employee organization to reach agreement after negotiations and exchange of proposals, on the terms of a memorandum of understanding or other items pertaining to the meet and confer process.
- 10. **Management Employee** means any employee having responsibility for formulating, administering or managing the implementation of City policies and programs.
- 11. **Proof of Employee Support** means (1) an authorization card recently signed and personally dated by an employee, or (2) a verified authorization petition recently signed and personally dated by an employee, or (3) employee dues deduction authorization in current effect. The words "recently signed" shall mean within one hundred eighty (180) days prior to the filing of a petition.
- 12. **Supervisory Employee** means any employee, regardless of job description, having authority, in the interest of the City, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to and direct other employees, or to adjust their grievances, or effectively recommend such action, if, in connection with the foregoing functions, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgement.

PART B - REPRESENTATION PROCEEDINGS

SECTION 1203 EMPLOYEE RIGHTS

Subject to the requirements of the Meyers-Milias-Brown Act, Government Code Sections 3500, et seq., as interpreted by the Courts, City employees shall:

- 1. Have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations, including, but not limited to, wages, hours and other terms and conditions of employment;
- 2. Have the right to refuse to join or participate in the activities of employee organizations;
- 3. Have the right to represent themselves individually in their employment relations with the City; and
- 4. Have the right to be free from intimidation, restraint, coercion, interference, discrimination or reprisal because of their exercise of any of the rights herein enumerated or granted by law.

SECTION 1204 CITY RIGHTS

Subject to the requirements of the Meyers-Milias-Brown Act, Government Code Sections 3500, et seq., as interpreted by the courts, the City retains its rights:

- 1. To determine the mission of each of its constituent departments, division, commission, boards and agencies;

2. To set standards of services offered to the public;
3. To establish levels of staffing required to deliver services to the public;
4. To determine the procedures and standards of selection for employment and promotion;
5. To direct its employees, to take disciplinary action for proper cause and to determine the content of job classifications, and to relieve its employers from duty because of lack of work or for other legitimate reasons;
6. To maintain the efficiency of governmental operations, determine the methods, means and personnel by which City operations are to be conducted, or City services provided; and
7. To take all necessary actions to carry out its mission in emergencies and to exercise complete control and discretion over its organization and the technology of performing its work.

SECTION 1205 SCOPE OF REPRESENTATION

- A. The scope of representation shall include all matters relating to employment conditions and employer-employee relations, including, but not limited to, wages, hours, and other terms and conditions of employment, except, however, that the scope of representation shall not include consideration of the merits, necessity, or organization of any service or activity provided by law or executive order.
- B. Notwithstanding any provision of this Chapter to the contrary, the City shall not be required to meet and confer on any subject preempted by federal, state or local law.

SECTION 1206 SCOPE OF CONSULTATION

Matters affecting employer-employee relations, including those that are not subject to meeting and conferring, are subject to consultation. Upon request, the City through its representatives, shall consult in good faith with representatives of all recognized employee organizations on employer-employee relations matters which affect them.

SECTION 1207 ADVANCE NOTICE

- A. Except in cases of emergency, reasonable advance written notice shall be given to each recognized employee organization whose members may be affected by any ordinance, rule, resolution, or regulation directly relating to matters within the scope of representation proposed to be adopted by the City Council or by any department of the City, and each shall be given the opportunity to meet with such body prior to adoption.
- B. In cases of emergency, when the City Council or the City Administrator determines that an ordinance, rule, resolution, or regulation must be adopted immediately without prior notice or meeting with a recognized employee organization, the City shall provide such notice and opportunity to meet at the earliest practicable time following the adoption of such ordinance, rule, resolution, or regulation.

SECTION 1208 FILING OF EXCLUSIVE RECOGNITION PETITION BY EMPLOYEE ORGANIZATION

- A. An employee organization that seeks to be formally acknowledged as the Exclusively Recognized Employee Organization representing the employees in an appropriate unit shall file a petition with

the Employee Relations Officer. Such petition shall contain or be accompanied by the following information and documentation:

1. Name and address of the employee organization.
2. Names and titles of its officers.
3. Names of employee organization representatives who are authorized to speak on behalf of the organization.
4. A statement that the employee organization has, as one of its primary purposes, the aim of representing employees in their employment relations with the City.
5. A statement whether the employee organization is a chapter of, or affiliated directly or indirectly in any manner, with a local, regional, state, national or international organization, and, if so, the name and address of each such other organization.
6. Certified copies of the employee organization's constitution and by-laws, or, if none exist, of any writing adopted by the organization setting forth its internal rules, regulations, or procedures.
7. A designation of those persons, not exceeding two in number, and their addresses, to whom notice sent by regular United States mail will be deemed sufficient notice on the employee organization for any purpose.
8. A statement that the employee organization has no restriction on membership based on race, color, creed, sex, national origin, age, sexual orientation, or physical or mental disability.
9. The job classifications or titles of employees in the unit claimed to be appropriate and the approximate number of member employees therein.
10. A statement that the employee organization has, in its possession, proof of employee support, as defined in Section 1202(k), to establish that a majority of the employees in the unit claimed to be appropriate have designated the employee organization to represent them in their employment relations with the City. Such written proof shall be submitted for confirmation to the Employee Relations Officer or to a mutually agreed upon disinterested third party for verification.
11. A request that the City formally acknowledge the petitioner as the Exclusively Recognized Employee Organization representing the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith.

B. The petition, including the proof of employee support and all accompanying documentation, shall be declared to be true, correct and complete, under penalty of perjury, by the duly authorized officer(s) of the employee organization by whom it is executed.

SECTION 1209 CITY RESPONSE TO RECOGNITION PETITION

A. Upon receipt of the petition, the Employee Relations Officer shall determine whether:

1. There has been compliance with the requirements of the Recognition Petition, and
2. The proposed representation unit is an appropriate unit in accordance with Section 1213.

B. If an affirmative determination is made by the Employee Relations Officer on the foregoing two matters, he/she shall so inform the petitioning employee organization, shall give written notice of such request for recognition to the employees in the unit and shall take no action on said request for thirty (30) days thereafter. If either of the foregoing matters is not affirmatively determined, the Employee Relations Officer shall so notify the Petitioner and shall offer to consult thereon. If such determination thereafter remains unchanged, the Employee Relations Officer shall inform that organization of the reasons therefor in writing. The petitioning employee organization may appeal such determination in accordance with Section 1217 of this Chapter.

SECTION 1210 OPEN PERIOD FOR FILING INTERVENING PETITION

Within thirty (30) days of the date written notice is given to affected employees that a valid recognition petition for an appropriate unit has been filed, any other employee organization may file a competing request to be formally acknowledged as the exclusively recognized employee organization of the employees in the same or in an overlapping unit (one which corresponds with respect to some but not all the classifications or positions set forth in the recognition petition being challenged) by filing a petition evidencing proof of employee support in the unit claimed to be appropriate of at least thirty (30) percent and otherwise in the same form and manner as set forth in Section 1208. If such intervening petition seeks establishment of an overlapping unit, the Employee Relations Officer shall call for a hearing on such overlapping petitions for the purpose of ascertaining the more appropriate unit, at which time the petitioning employee organizations shall be heard. Thereafter, the Employee Relations Officer shall determine the appropriate unit, or units, in accordance with the standards set out in Section 1213. The petitioning employee organizations shall have fifteen (15) days from the date notice of such unit determination is communicated to them by the Employee Relations Officer to amend their petitions to conform to such determination or to appeal such determination pursuant to Section 1217.

SECTION 1211 ELECTION PROCEDURE

A. The Employee Relations Officer shall arrange for a secret ballot election to be conducted by the Employee Relations Officer or a mutually agreed upon third party. All employee organizations who have duly submitted petitions which have been determined to be in conformance with this Part shall be included on the ballot. The ballot shall also reserve to employees the choice of selecting employee organization to represent them in their employment relations with the City. Employees entitled to vote in such election shall be those persons employed in regular permanent positions within the designated appropriate unit who were employed during the pay period which ended at least fifteen (15) days before the date the election commences, including those who did not work during such period because of illness, vacation or other authorized leaves of absence, and who are employed by the City in the same unit on the date of the election.

B. An employee organization shall be formally acknowledged as the Exclusively Recognized Employee Organization for the designated appropriate unit following an election or run-off election if it received a numerical majority of all valid votes cast in the election. In an election involving three or more choices, where none of the choices receives a majority of the valid votes cast, a run-off election shall be conducted between the two choices receiving the largest number of valid votes cast. The rules governing an initial election shall be applicable to a run-off election.

C. There shall be no more than one valid election under this Part pursuant to any petition affecting the same unit in a 12-month period.

D. In the event that the parties are unable to agree on a third party to conduct an election, the election shall be conducted by the State Mediation and Conciliation Service.

E. Costs of conducting elections shall be borne in equal shares by the City and by each employee organization appearing on the ballot.

F. Any petitioning employee organization may withdraw its petition upon five (5) days prior written notice. In the event that any other employee organization has qualified for the ballot pursuant to Section 1210, that organization shall have the option to proceed with the election as if it were the petitioner. Withdrawal of a petition under this provision shall result in a six (6) month bar against the filing of a new petition by the withdrawing employee organization.

SECTION 1212 PROCEDURE FOR DECERTIFICATION OF EXCLUSIVELY RECOGNIZED EMPLOYEE ORGANIZATION

A. A Decertification Petition alleging that the incumbent Exclusively Recognized Employee Organization no longer represents a majority of the employees in an established appropriate unit may be filed with the Employee Relations Officer only after the completion of on full year of recognition, or during the thirty (3) day period commencing ninety (90) days prior to the termination date of a Memorandum of Understanding (MOU) then in effect, providing that such MOU has a term of no more than three (3) years, including any extension thereof, whichever occurs later. Such petition shall contain or be accompanied by the following information and documentation:

1. The name, address and telephone number of the petitioner and a designated representative authorized to receive notices or requests for further information.
2. The name of the established appropriate unit and of the incumbent Exclusively Recognized Employee Organization sought to be decertified as the representative of that unit.
3. An allegation that the incumbent Exclusively Recognized Employee Organization no longer represents a majority of the employees in the appropriate unit, and any other relevant and material facts relating thereto.
4. Proof of employee support that at least thirty (30) percent of the employees in the established appropriate unit no longer desire to be represented by the incumbent Exclusively Recognized Employee Organization. Such proof shall be submitted for confirmation to the Employee Relations Officer or a mutually agreed upon third party within the time limits specified in the first paragraph of this section.

B. An employee organization may, in satisfaction of the Decertification Petition requirements hereunder, file a petition under this section in the form of a Recognition Petition that evidences proof of employee support of at least thirty (30) percent and otherwise conforms to the requirements of Section 1208.

C. The Employee Relations Officer shall initially determine whether the petition has been filed in compliance with the applicable provisions of this Chapter. If his determination is in the negative, he/she shall so inform the Petitioner, and shall offer to consult thereon. If such determination thereafter remains unchanged, the Employee Relations Officer shall return such petition to the employees or employee organization with a statement of the reasons therefor in writing. The petitioning employees or employee organization may appeal such determination in accordance with Section 1217. If the determination of the Employee Relations Officer is in the affirmative, or if his negative determination is reversed on appeal, he shall give written notice of such Decertification or Recognition Petition to the incumbent Exclusively Recognized Employee Organization and to unit employees.

The Employee Relations Officer will notify the affected exclusive bargaining representative of any formal petition filed by an established employee organization, as defined in Government Code Section 3501 (a).

- D. In the event that the Decertification Petition complies with the request set forth herein, the Employee Relations Officer shall thereupon arrange for a secret ballot election to be held on or about fifteen (15) days after such notice to determine the wishes of unit employees as to the question of decertification and, if a Recognition Petition was duly filed hereunder, the question of representation. Such election shall be conducted in conformance with Section 1211.
- E. During the “open period” specified in the first paragraph of this Section, the Employee relations Officer may on his/her own motion, when he/she has reason to believe that a majority of unit employees no longer wish to be represented by the incumbent exclusively recognized employee organization, give notice to that organization and all unit employees that he/she will arrange for an election to determine that issue. The notice to the exclusively recognized employee organization shall contain a statement of the facts upon which the City Administrator bases his/her belief that the organization no longer enjoys majority status. In such event any other employee organization may within fifteen (15) days of such notice file a Recognition, Decertification or Severance Petition in accordance with this Chapter. The Employee Relations Officer shall act upon the petition as provided here in above.
- F. If, pursuant to this Section, a different employee organization is formally acknowledged as the Exclusively Recognized Employee Organization, such organization shall be bound by all the terms and conditions of any Memorandum of Understanding, then in effect, for its remaining term, provided that such MOU contains a terms of no more than three (3) years.

SECTION 1213 POLICY AND STANDARDS FOR DETERMINATION OF APPROPRIATE UNITS

- A. The policy objectives in determining the appropriateness of units shall be the effect of a proposed unit on (1) the efficient operations of the City and its compatibility with the primary responsibility of the City and its employees to effectively and economically serve the public, and (2) providing employees with effective representation based on recognized community of interest considerations. These policy objectives require that the appropriate unit shall be the broadest feasible grouping of positions that share an identifiable community of interest. The City has heretofore determined that the following bargaining units are appropriate units:
 - 1. All employees assigned to the Police Department up to and including the rank of Police Sergeant, but excluding Lieutenant and Chief;
 - 2. All employees assigned to the Public Works Department, excluding Department Head; and
 - 3. All employees assigned to the Police Department with the rank of Police Sergeant. (§1213 (A)(3)Resolution No. 10-50)
- B. Factors to be considered when determining the appropriateness of any other proposed unit shall be:
 - 1. Similarity of the general kinds of work performed, types of qualifications required, and the general working conditions;
 - 2. History of representation in the City and similar employment, except, however, that no unit shall be deemed to be an appropriate unit solely on the basis of the extent to which employees in the proposed unit have organized;
 - 3. Consistency with the organizational patterns of the City;

- 4. Number of employees and classifications, and the effect on the administrations of employer-employee relations created by the fragmentation of classifications and proliferation of units;
- 5. Effect on the classification structure and impact on the stability of the employer-employee relationship of dividing a single or related classifications among two or more units;
- 6. Merit System Status; and
- 7. Supervisory Responsibilities.

C. The Employee Relations Officer shall, after notice to, and consultation with, affected employee organizations, allocate new classifications or positions, delete eliminated classifications or position, and retain, reallocate, or delete modified classifications or positions form units in accordance with the provisions of this section.

D. Notwithstanding the foregoing provisions of this section, managerial and confidential responsibilities, as defined in section 1202 of this Chapter, are determining factors in establishing appropriate units hereunder, and therefore such managerial and confidential employees may only be included in units that do not include non-managerial and non-confidential employees. Managerial, supervisory and confidential employees may not represent any employee organization which represents other non-managerial, non-supervisory or non-confidential employees.

SECTION 1214 PROCEDURE FOR MODIFICATION OF ESTABLISHED APPROPRIATE UNITS

- A. Requests by employee organizations for modification of established appropriate units may be considered by the Employee Relations Officer only during the period specified in Section 1212 of this Chapter. Such requests shall be submitted in the form of a Recognitions Petition, and, in addition to the requirements set forth in Section 1208, shall contain a complete statement of all relevant facts and citations in support of the proposed modified unit in terms of the policies and standards set forth in Section 1213 hereof. The City Administrator shall process such petitions as other Recognition Petitions under this Chapter.
- B. At any time, the Employee Relations Officer may on his/her own motion propose that an established unit be modified. The Employee Relations Officer shall give written notice of the proposed modification(s) to any affected employee organization and shall hold a meeting concerning the proposed modification(s), at which time all affected employee organizations shall be heard. Thereafter the Employee Relations Officer shall determine the composition of the appropriate unit, or units, in accordance with Section 1213, and shall give written notice of such determination to the affected employee organizations. The Employee Relations Officer's determination may be appealed as provided in Section 1217.

SECTION 1215 NEWLY ESTABLISHED JOB CLASSIFICATIONS -REPRESENTATION UNITS

Each newly established job classification shall be assigned to an appropriate representation unit by the Employee Relations Officer after providing notice and opportunity to consult with affected recognized employee organizations, if he finds that there is an appropriate unit to which such job classification may be assigned.

SECTION 1216 DESIGNATION OF CONFIDENTIAL AND MANAGEMENT EMPLOYEES - REPRESENTATION UNITS

The Employee Relations Officer is authorized to designate confidential, management and/or supervisory employees, as defined in Section 1202, and, after providing notice and an opportunity to consult to any interested recognized employee organization, may at any time revoke such designations. Upon such

designation or revocation of designation, the Employee Relations Officer shall assign such employee to an appropriate representation unit.

SECTION 1217 APPEALS

- A. An employee organization aggrieved by the Employee Relations Officer's determination:
 1. of an appropriate unit or appropriate unit assignment, or
 2. that a Petition has not been filed in compliance with the applicable provisions of this Chapter, may, within fifteen (15) days of notice of the determination, appeal such determination to the City Council, for final decision.
- B. Appeals to the Council shall be filed in writing with the City Clerk, and a copy thereof served on the Employee Relations Officer. The Council shall commence to consider the matter within thirty (30) days of the filing of the appeal. The Council may, in its discretion, refer the dispute to a third party hearing process. Any decision of the Council on the use of such procedure, and/or any decision of the Council determining the substance of the dispute shall be final and binding.

PART C - ADMINISTRATION

SECTION 1218 SUBMISSION OF CURRENT INFORMATION BY RECOGNIZED EMPLOYEE ORGANIZATIONS

All changes in the information required to be filed with the City by an exclusively recognized employee organization (See Section 1208 (a) through (h)) shall be submitted in writing to the Employee Relations Officer within thirty (30) days of such change.

SECTION 1219 PAYROLL DEDUCTIONS ON BEHALF OF EMPLOYEE ORGANIZATIONS

Upon formal acknowledgment by the City of an Exclusively Recognized Employee Organization may be provided payroll deductions of membership dues and insurance premiums for plans sponsored by such organization upon the written authorization of employees in the unit represented by the Exclusively Recognized Employee Organization on forms provided by the City. The providing of such service to the Exclusively Recognized Employee Organization shall be contingent upon, and in accordance with, the provisions of any current Memorandum of Understanding and applicable administrative procedures.

SECTION 1220 EMPLOYEE ORGANIZATION ACTIVITIES - USE OF CITY RESOURCES

Access to City work locations and the use of City paid time, facilities, equipment, and other resources by employee organizations and those representing them shall be authorized only to the extent provided for in the current Memorandum of Understanding and administrative procedures, shall be limited to lawful activities consistent with the provisions of this Chapter that pertain directly to the employer-employee relationship and not to such internal employee organization business as soliciting membership, campaigning for office, and organizing meetings and elections, and shall not interfere with the efficiency, safety, and security of City operations.

SECTION 1221 ADMINISTRATIVE RULES AND PROCEDURES

The City Administrator is hereby authorized to establish such rules and procedures as are appropriate to implement and administer the provisions of this Chapter after affording notice and opportunity to consult with affected employee organizations.

PART D - IMPASSE PROCEDURES

SECTION 1222 INITIATION OF IMPASSE PROCEDURES

If the meet and confer process has reached impasse as defined in Section 1202 (9), either party may initiate the impasse procedures by declaring that impasse exists. An impasse meeting may be requested for the following purposes:

1. To review the position of the parties in a final effort to reach agreement on a Memorandum of Understanding; or
2. If the impasse is not resolved, to discuss arrangements for the utilization of the impasse procedures provided herein.

SECTION 1223 IMPASSE PROCEDURES

If the impasse is not resolved, the parties may voluntarily agree to engage in mediation and /or advisory fact finding as provided herein:

- A. Mediation. If the parties agree to submit the dispute to mediation, and agree on the selection of a mediator, the dispute shall be submitted to mediation. All mediation proceedings shall be private. The mediator shall make no public recommendation, nor take any public position at any time concerning the issues. If the parties are unable to agree to the selection of a mediator, a list may be requested from the California State Mediation and Conciliation Service, and selection will be made by alternate striking, the first strike to be determined by a flip of a coin.
- B. Advisory Fact-finding.
 1. If the mediator is unable to effect settlement of the controversy, the parties may mutually agree to submit the unresolved issues to fact-finding for resolution.
 2. Within seven (7) days after both parties have notified the other, in writing, that they desire to proceed to fact-finding, City representatives and representatives of the recognized employee organization shall each select one fact-finder to the panel.
 3. The third member of the fact-finding panel shall be selected by agreement between the two panel members selected by the City and the employee organization, and shall serve as the neutral fact-finder and chair of the panel.
 4. In the event that the panel members selected by the City and the employee organization cannot agree upon the selection of the third panel member, then either party may request the State Mediation and Conciliation Service to provide a list of seven (7) persons who are qualified and experienced as labor arbitrators/fact-finders.
 5. If within three (3) days after receipt of such list, the panel members selected by the City and the employee organization cannot agree on one of the seven (7) to act as the third neutral fact-finder and panel chair, they shall alternatively strike names from the list of nominees until only one name remains, and that person shall then become the neutral fact-finder and chair of the fact-finding panel. The first strike is to be determined by a flip of a coin.
 6. Hearing Procedures.
 - a. The hearing must be commenced within thirty-five (35) days of the selection of the neutral fact-finder.
 - b. Seven (7) days prior to the hearing, each party must submit to the fact-finding panel a list of issues in dispute and a written statement of position on each issue. A copy must be sent to the other party at the time of submission to the panel.
 - c. The hearing shall be informal and need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper an admission of such evidence over objection in civil actions. Oral evidence shall be taken only under oath or affirmation.

- d. The hearing shall not be open to the public. Executive sessions for panel deliberations may be held outside the presence of the parties.
- e. The party proposing a change in the status quo will have the burden of going forward with evidence and arguments; except that the City will have the burden of going forward on the issue of ability to pay an award.
- f. As chair of the panel, the neutral fact-finder will rule on all matters of procedure and evidence.
- g. Facts will be presented during the hearing primarily by documents and narration rather than through a courtroom style question and answer examination process.
- h. Within ten (10) days after the closing of the hearing, each party shall submit to the panel and to each other, a final position on each issue in dispute. Each party may provide rationale for its final position on any issue.
- i. The fact-finding panel has jurisdiction over the items of dispute submitted by the parties. The panel has no jurisdiction or authority to entertain any matter or subject that is not a term and condition of employment as defined in Government Code Section 3504. An order, recommendation, or part of an order issued by a panel regarding a matter which is not a mandatory subject of meet and confer as defined by law, shall be void and of no effect.
- j. The fact-finding panel shall make a recommendation on each issue submitted by the parties. Such recommendation may adopt either of the positions submitted by the parties or may differ from either of the submitted positions. Each recommendation shall be determined by majority vote of the members of the panel.

7. Criteria.

- a. In reaching a decision, the panel shall give weight to the factors listed below and shall include in a written decision an explanation of how the facts were taken into account in reaching a decision:
 - (1) Local, state, and federal laws that are applicable to the City;
 - (2) Stipulations of the parties;
 - (3) Comparability of the wages, hours and conditions of employment of the employees involved in the proceeding to those of other employees performing similar services in comparable communities;
 - (4) The consumer price index for goods and services, commonly known as the cost of living;
 - (5) The overall compensation presently received by the employees involved in the fact-finding including direct wage compensation, overtime, vacations, holiday and other excused time, pensions, insurance, medical and hospitalization benefits, the continuity and stability of employment, and all other wages and benefits received by such employees;

- (6) The right of the City to efficiently manage and conduct its operations within legal limitations;
- (7) The financial ability of the City to meet the costs of an award;
- (8) The present and future general and economic condition of the City;
- (9) Comparability of recent salary or benefit adjustments given to employees in the City and/or in comparable communities; and
- (10) Such other facts, not confined to those specified in subsections (1) through (9), inclusive, which are normally or traditionally taken into consideration in making such findings and recommendations.

b. Comparability as referred to in these provisions will be established by reference to the following factors:

- (1) Geographic proximity to the City;
- (2) Revenue per capita and similar revenue criteria;
- (3) Similar population and budget size;
- (4) Accepted agency practice;
- (5) Similarity of services provided and frequency and level of services provided;
- (6) Similarity of recruitment and retention factors;
- (7) Comparable duties of the referenced group of employees; and
- (8) Essential governmental structure (e.g. charter v. general law).

8. Post-Hearing Procedure.

- a. After the hearing has been closed, the chair of the panel may attempt to informally mediate the dispute.
- b. During any such mediation period, the time-lines for submission of final total packages by the parties and the submission of the recommendations of the panel shall be extended accordingly.
- c. The panel shall promptly submit its recommendations in writing and in confidence to the City and to the employee organization.
- d. The recommendations of the panel shall not be publicly disclosed until ten (10) days after being delivered to the parties. This ten (10) day period may be extended by written mutual agreement of the parties.
- e. During that ten (10) day period and any mutual extensions, the parties may meet privately and attempt to resolve their differences, and by mutual agreement may amend or modify any of the decisions of the panel.

f. The conclusion of the ten (10) day period and any mutual extensions, the recommendations of the panel together with any amendments or modifications agreed to by the parties may be publicly disclosed and shall be filed with the City Administrator.

g. The expenses of the fact-finding hearing and fee for the services of the chair of the fact-finding panel shall be borne equally by the parties. The expenses for other panel members and all other expenses which the parties may incur individually are to be borne by the party incurring such expenses.

9. Action by the City Council.

1. The Council shall receive the fact-finding panel's recommendations on any issues still in dispute.
2. Upon receipt of the panel's recommendation the Council shall have the authority to adopt the panel's recommendations, unilaterally implement the City's last offer, provide further direction to its representatives in the meet and confer process, or refrain from taking any such action.
3. Before any such unilateral action, the City Council shall permit employee representatives to address the Council at a public meeting.

C. The parties may revoke their consent to impasse resolution procedures at any time for any reason. If the parties do not agree to submit their dispute to mediation and/or to advisory fact-finding, or if the matter has been submitted but not resolved, the City Council may take such action regarding the impasse as it, in its discretion, deems appropriate as in the public interest. Any legislative action by the City Council on the impasse shall be final and binding.

PART E - MISCELLANEOUS PROVISIONS

SECTION 1224 CONSTRUCTION

This Chapter shall be administered and construed as follows:

1. Nothing in this Chapter shall be construed to deny to any person, employee, organization, the City or any authorized officer, body or other representative of the City, the rights, powers and authority granted by federal, state or local law;
2. This Chapter shall be interpreted so as to carry out its purposes as set forth in Section 1201; and
3. Nothing in this Chapter shall be construed as making the provisions of California Labor Code Section 923 applicable to City employees or employee organizations, or as giving employees or employee organizations the right to participate in, support, cooperate, or encourage, directly or indirectly, any strike, sickout or other total or partial stoppage or slowdown of work.

SECTION 1225 SEVERABILITY

If any provision of this Chapter, or if the application of such provision to any person or circumstance, shall be held invalid, then the remainder of this Chapter, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

CHAPTER 13 - MISCELLANEOUS

SECTION 1301 REPORTS OF CHANGE OF STATUS

All actions related to matters of employment or a change in the status of employment shall be reported by the department head to the City Administrator on city of Ripon Personnel Action Forms. Copies of such reports shall be furnished to the employee involved.

SECTION 1302 GRATUITIES

No officer or employee of the City shall solicit or accept any gratuity for services rendered.

SECTION 1303 CONFLICTS OF INTEREST

No employee or officer of the City shall do any of the following:

- engage in any business transaction; or
- engage in any work, employment or occupation; or
- have any financial interest, direct or indirect, in any activity;

Which:

- is incompatible with the proper discharge of his/her assigned duties or responsibilities; or
- is detrimental to the public interest; or
- prevents, impairs or impedes his/her independent judgment or action in carrying out his/her responsibilities; or
- is in any way in conflict with his/her employment by the City; or
- prevents, impairs or impedes his/her independent judgment or action in carrying out his/her responsibilities; or

Any violation of any provision of this rule may be deemed to be grounds for disciplinary action, up to and including discharge.

SECTION 1304 DEPARTMENTAL REPRESENTATION AT CITY COUNCIL MEETINGS

Department Heads shall be required to attend all regular meetings of the City Council, subject to the direction of the City Administrator, who may excuse such attendance in his discretion. The City Administrator may also require attendance of Department Heads at such Planning Commission meetings and special City Council meetings as the City Administrator may, from time to time, specify. (§1304, Res. 98-2)

SECTION 1305 USE OF CITY FACILITIES, EQUIPMENT, AND VEHICLES

A. City facilities, equipment, and vehicles shall not be used for the personal use of employees, except as specifically authorized in writing by the City Administrator in written administrative regulation.

B. City vehicles will be driven only by authorized City employees in possession of a valid California State Driver's license and are to be used for official City business purposes only. City vehicles shall not be used for private purposes or after normal working hours unless the City employee is engaged in City business. Further, as a general rule, City vehicles should not be used to transport persons other than City employees unless such persons are transported for purposes relative to City business activities.

City vehicles assigned to miscellaneous employees may be taken home only by those employees to whom they are assigned. Only those employees whose duties comply with Administrative Regulations will be considered as eligible to have a city vehicle assigned on a permanent basis. Vehicle assignments will be made a matter of record by departmental head memorandum request to the City Administrator and a following confirmation in writing.

Vehicles assigned to the Police Department shall be considered emergency service vehicles and variance from the provisions of this section may be permitted in the interest of keeping said emergency vehicle available for usage at all times.

SECTION 1305.1 SMOKING PROHIBITED

Smoking is prohibited inside all City owned or occupied buildings, or City owned vehicles. The no-smoking zone extends to 20 feet away from entrances and exits of public buildings including any place within 20 feet of any operable window. (AB846, effective January 1, 2004)

NO SMOKING: PUBLIC BUILDINGS OR CITY VEHICLES

Under the provisions of state law, new employees must be informed on the smoking prohibition at the time of initial employment. (Administrative Regulation 1305-1 — see Section 1221)

SECTION 1306 SAFETY

- A. Employees shall not be required to work under unsafe or hazardous conditions or to perform tasks which endanger their health, safety, or well-being.
- B. It is the responsibility of each employee to report unsafe or physically hazardous conditions to the immediate supervisor. Such reports shall be submitted in writing, if possible under the circumstances.
- C. Upon receipt of such a report, the supervisor will take whatever steps may be appropriate or required for the City to meet its obligation to comply with federal, state or local standards, including safety measures rendering protection from bodily harm. Disputes over safety conditions on the work-site are subject to the grievance procedure. The employee shall follow all reasonable directives of the supervisor pending resolution of the dispute.
- D. The City shall provide safety equipment to employees as required by law.
- E. The requirements for safe working conditions are established and maintained under the California Occupational Safety and Health Act of 1973. Enforcement and rule making authority is lodged with the Department of Industrial Safety. The Department of Industrial Safety has jurisdiction for inspection and enforcement of standards.
- F. No employee shall be discriminated against as a result of reporting any condition to be a violation of this Article.

SECTION 1307 RESIDENCY REQUIREMENT

Effective July 11, 1989, all employees of the City of Ripon shall reside in the area designated below for the classification in which they serve:

Police Department Sworn Personnel—25 mile radius from Ripon City Hall

Public Works Employees—25 mile radius from Ripon City Hall

All other Employees—25 mile radius from Ripon City Hall.

Employees hired on or before July 11, 1989 shall not be required to change their current residence in order to comply with these requirements. However, any such employee who changes residence after July 11, 1989 will be required to comply with the new requirements as to the new residence.

SECTION 1307.1 HOME IMPROVEMENT LOAN

Employees will be allowed to use the GAP++ loan to remodel their present home — provided it is within the city limits. (Res. 05-65)

SECTION 1308 NON-DISCRIMINATION POLICY

- A. Generally: It is the policy of the City of Ripon to promote an employment environment free of unlawful discrimination. Discrimination on the basis of race, color, religion, sex, national origin, ancestry, handicap, medical condition, marital status, or age over 40 in the work environment is unlawful and will not be tolerated by the City.
- B. Sexual Harassment: Sexual harassment is a form of unlawful sexual discrimination and will not be tolerated by the City. Federal and State guidelines provide that unwelcome sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature constitute sexual harassment when:
 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 2. The submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 3. Sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature have the purpose or effect of unreasonably interfering with an employee's work performance or of creating an intimidating, hostile, or offensive work environment.

The City strongly forbids any form of sexual harassment, including acts of non-employees. Disciplinary action will be taken promptly against any employee, supervisory or otherwise, engaging in sexual harassment.

NON-DISCRIMINATION POLICY

- A. Generally: It is the policy of the City of Ripon to promote an employment environment free of unlawful discrimination. Discrimination on the basis of race, color, religion, sex, national origin, ancestry, handicap, medical condition, marital status, or age over 40 in the work environment is unlawful and will not be tolerated by the City.
- B. Sexual Harassment: Sexual harassment is a form of unlawful sexual discrimination and will not be tolerated by the City. Federal and State guidelines provide that unwelcome sexual advances, request for sexual favors and other verbal, visual, or physical conduct of a sexual nature constitute sexual harassment when:
 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 2. The submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 3. Sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature have the purpose or effect of unreasonably interfering with an employee's work performance or of creating an intimidating, hostile, or offensive work environment.

The City strongly forbids any form of sexual harassment, including acts of non-employees. Appropriate disciplinary action will be taken promptly against any employee, supervisory or otherwise, engaging in sexual harassment.

COMPLAINT PROCEDURE

The goal of a sex harassment complaint procedure is to stop harassing behavior in a prompt and effective manner, while still maintaining a good working relationship among the City's employees. All City employees have the right to file complaints of alleged sexual harassment. The procedure for filing sexual harassment complaints is as follows:

- A. Informal Complaint: Any employee who has been sexually harassed may attempt to immediately resolve the problem informally by expressing his/her discomfort with the behavior to the offender in a constructive manner, and by requesting the offender to stop the behavior. Compliance with this informal complaint procedure is not a prerequisite to the filing of a formal complaint.
- B. Formal Complaint: Any employee who alleges that he or she has personally suffered sexual harassment, or one who has learned of such unlawful harassment in his or her official capacity, shall report such unlawful discrimination, either orally or in writing, to his/her immediate supervisor, or directly to the City Administrator. In making such reports, the employee need not follow any established chain of command, so long as the matter is reported to any of the following supervisory or managerial employees:
 1. City Administrator
 2. Chief of Police
 3. Police Lieutenant
 4. Police Sergeant
 5. Public Works Supervisor

6. City Engineer
7. City Clerk

The complaint may be referred to a person designated by the City Administrator to investigate such complaints, as appropriate.

- C. Investigation of Complaint: Upon receipt of a complaint of sexual harassment, the investigator shall fill out an "Interview Form For Documenting Discrimination Cases," and shall conduct an immediate investigation into the allegations. The investigation may include meeting with the complainant, the accused, and any witnesses to the conduct.
- D. Resolution: Once the investigation is complete, the responsible manager shall make a determination of the appropriate corrective action, if any, and shall inform the complainant.
- E. Confidentiality: Throughout the process, the matter subject to the complaint shall be kept as confidential as possible. Materials pertaining to the complaint which do not form a basis for discipline shall be maintained in a file separate from the personnel files of the participants.
- F. Dissemination of Policy: Copies of the City's Non-Discrimination Policy, and of these complaint procedures, shall be provided to all employees of the City upon adoption, and again at yearly intervals thereafter. Copies shall also be provided to all new employees at the time of hiring.

CHRONOLOGY OF RESOLUTIONS

Rescinded Resolutions	No. 75-12, No. 75-14, No. 76-37, No. 78-42, No. 85-4
Resolution No. 90-62	Rescinds all previous resolutions, and adopts a new Merit System Rules and Regulations
Resolution No. 90-71	Amends §603 “Sick Leave Usage”
Resolution No. 96-83	Adds §609.1 “Payment for Accumulated Sick Leave on Retirement”
Resolution No. 97-80	Amends §609 “Payment for Accumulated Sick Leave on Retirement”
Resolution No. 98-02	Amends §201(d) adding “Recreation Director” to list of department heads.
Resolution No. 99-86	Amends §609 “Payment for Accumulated Sick Leave on Retirement”
Resolution No. 01-97	Adds §706 “Special Circumstance Requests for Payout on Vacation Time”
Resolution No. 02-60	Amends §513(7) adding a paid holiday on the 4 th Friday in November, and amends §702 providing five weeks of vacation to employees who have worked for the City for 25 years.
Resolution No. 04-40 (Rescinded)	Adds §404.1 “Continued Health Coverage for Retiring Employees and Retiring City Council Members”
Resolution No. 04-48 (Rescinded)	Rescinds Res. 04-40 and Adds a new §404.1 “Continued Health Coverage for Retiring Employees and Retiring City Council Members” allowing retiring City employees and retiring City Council members have the option to continue coverage under the City’s health insurance plans.
Resolution No. 05-65	Adds §503.1 “Police Dispatch Trainers;” §506.1 “Flex Time;” §609.2 “Cash Out Sick Leave;” §705.1 “convert Vacation Time to Holiday Pay;” §1307.1 “Home Improvement Loan.”
Resolution No. 06-37	Adds §609.3 “Payment of Sick Leave to Heirs of Deceased Employee”
Resolution No. 08-2	Rescinds Resolution No. 04-48, and adds a new §404.1 “Continued Health Coverage for Retiring Employees and Retiring City Council Members” allowing qualified employees and qualified City Council members to have the option to recover the City’s health coverage even after a lapse of service to the City.
Resolution No. 10-50	Adds §1213 (A)(3) “All employees assigned to the Police Department with the rank of Police Sergeant.”
Resolution No. 10-58	Rescinds Resolution 04-48 and adds a new §404.1 allowing retiring employees and retiring City Council members of the City of Ripon the option to continue coverage under the City’s health insurance plans at the active employee rate, and premiums for this continued health coverage would be paid by the retirees at no cost to the City.

Resolution No. 14-36 Amends §706 “Payment for Accumulated Vacation Time”

Resolution No. 18-61 Adds §611.11 providing “Voluntary Catastrophic Leave Program”

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