

A PLACE for FAMILIES  
in the HEART of the DELTA

# PERSONNEL MANUAL

*Adopted by the City Council*

*June 1, 2012*



## Welcome to Team Oakley!

The City of Oakley is a great place to work; a place where the challenges are many and the rewards abundant. From diverse occupations, to the advantages of serving in a position that helps build up a community, you are now part of a quality-driven team within a results-oriented culture that provides outstanding services to the residents of Oakley.

We each play a critical role in fulfilling the City's Mission Statement:

***"The City of Oakley exists to build and enhance a quality community and to serve the public in a friendly, efficient and responsive manner."***

This Personnel Manual is prepared to acquaint you with City employment and to provide you with information about performance expectations, working conditions, employee benefits, and the policies affecting your employment. If you have any questions regarding the interpretation or application of this Manual, you should direct them to the Human Resources Office, or to me. The Manual is not a contract of employment and is subject to change. It serves as a written guide to help you succeed in your very important work on behalf of the residents of Oakley.

Again, you are a part of a very important team that performs very important tasks. The rules and policies of this Manual need to be followed in order for us to be effective and efficient at what we do. I often say that three simple words, if they are said of each of us as employees, will help define our success. Those words are **POLITE**, **PROFESSIONAL** and **PROGRESSIVE**. I am confident that as you follow the 3P's you will be a valuable member of Team Oakley.

Respectfully,

Bryan H. Montgomery  
City Manager

**RESOLUTION NO. 53-12**

**A RESOLUTION ADOPTING AMENDMENTS TO  
THE CITY OF OAKLEY PERSONNEL MANUAL**

**WHEREAS**, the Personnel System established by Ordinance No. 17-00 requires the implementation of the City's personnel rules, policies and procedures; and

**WHEREAS**, in 2001 the City Council adopted and in 2004 and 2008 amended the Personnel Manual to implement these rules, policies and procedures; and

**WHEREAS**, various other policies and practices exist that were not part of the Personnel Manual; and

**WHEREAS**, the City Council recognizes that it is in the best interest of the City to have a centralized, coherent and up-to-date single personnel manual for the employees of the City of Oakley; and

**WHEREAS**, it has been determined that the Personnel Manual attached hereto is the proper vehicle to implement the amended and updated personnel rules, policies and procedures.

**NOW THEREFORE**, the City Council of the City of Oakley hereby adopts the Personnel Manual, as amended and attached hereto as the City's personnel rules, policies, and procedures to become effective June 1, 2012 and to supersede all previously issued employee handbooks and manuals.

ADOPTED, this the 22<sup>nd</sup> day of May, 2012 by the following vote:

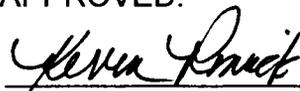
AYES: Anderson, Frazier, Pope, Rios, Romick

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

  
Kevin Romick, Mayor

ATTEST:

  
for Libby Vreonis, City Clerk

5-25-12  
Date

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## **Section 1. Introduction & Purpose of Personnel Manual**

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The City of Oakley (hereinafter “City”) has prepared this Personnel Manual to familiarize its employees with City policies, benefits and rules, as well as the privileges and responsibilities of City employment. It is important that all employees read, understand and follow the provisions of the Manual to make the City work environment as positive and productive as possible. Please feel free to contact the City’s Human Resources Department, or the City Manager, with any questions.

The City strives to improve its policies and services and employees are encouraged to suggest improvements. By working together, the City hopes to instill a sense of individual and organizational pride that shows in the work, products and services that we provide to the community.

### **1.1. MISSION AND VALUES STATEMENT**

The City exists to build and enhance a quality community and to serve the public in a friendly, efficient and responsive manner. The City values:

- Honesty and Integrity
- Quality Customer Service
- Community Input and a Proactive Approach to solving community issues
- A Positive and Encouraging Environment
- Teamwork
- Professionalism
- Fiscal Responsibility

All employees are committed to be polite, professional and progressive.

### **1.2. HUMAN RESOURCES DEPARTMENT**

The City’s Human Resources Department, designated by the City Manager, provides employees with information and assistance in understanding the City’s personnel policies and procedures. The Human Resources Department is the best place for employees to obtain current information on work rules, benefits, personnel policies and procedures, payroll data, personnel records, insurance, job opportunities, and training. Human Resources personnel are also responsible for maintaining complete and up-to-date personnel records for all current employees.

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### 1.3. **DISCLAIMER**

This Manual describes important City policies, procedures, practices, and benefits and is intended to acquaint employees with the privileges and responsibilities of City employment. However, it is not a legal document and does not constitute or create any expressed or implied contractual obligations between the City and its employees.

### 1.4. **ACCEPTANCE OF EMPLOYMENT**

In accepting employment with the City, each employee agrees to be governed by and to comply with the provisions of the Personnel Manual, all City ordinances and the rules, regulations and directives of the City department in which the employee is assigned and other official rules, policies and procedures of the City applicable to the employee.

### 1.5. **APPLICABILITY**

Except as indicated, the provisions in this Personnel Manual shall apply to all officers and employees of the City, except for the City Council. By separate employment agreement, the City Council may provide alternate personnel rules for the City Manager and City Attorney.

### 1.6. **PERSONNEL OFFICER**

The City Manager is authorized by the City Council to implement these policies and procedures. The City Manager is designated as the Personnel Officer and has the authority to:

- Act as the appointing authority for the City as to all employees, except the City Attorney and her/his staff
- Prepare and recommend to the City Council personnel rules and revisions and amendments to such rules
- Administer all the provisions of this chapter and of the personnel rules not specifically reserved to the City Council
- Maintain a classification plan, including class specifications and periodic revisions to the plan
- Maintain a compensation plan, including ranges for pay increases within classifications
- Provide increases in compensation for employees as set forth in the compensation plan approved by the City Council
- Discipline employees in accordance with the personnel rules

- 
- Delegate any of the powers and duties of this Manual to a staff member or any other officer or employee of the City or to recommend that such powers and duties be performed under contract

#### **1.7. DEPARTMENT RULES AND REGULATIONS**

Department Directors may develop, implement and revise as necessary any departmental policies, procedures, rules and regulations pertaining to unique operational requirements and their effect upon departmental personnel as needed for the full performance of duties and responsibilities and which are not contrary to this Personnel Manual, the City's ordinances and administrative policies, other official rules, policies and procedures of the City, state and/or federal law, or direction of the City Manager. All departmental policies, procedures, rules and regulations must be approved by the City Manager, or designee.

#### **1.8. APPROVAL OF AND AMENDMENT TO PERSONNEL MANUAL**

This Manual and any amendments thereto shall be approved by City Council resolution.

#### **1.9. RIGHTS OF MANAGEMENT**

The approval of this Personnel Manual shall not be deemed a waiver or surrender of any management prerogative. Management rights are defined in Section 2 and outlined throughout this Manual.

#### **1.10. VIOLATION OF PERSONNEL RULES**

Each employee is responsible for knowledge of and compliance with the provisions of the Personnel Manual and any amendments hereto. Violation of any provision of this Personnel Manual shall be grounds for disciplinary action, up to and including termination.

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## Section 2. DEFINITIONS

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The following terms, whenever used in this Manual, unless otherwise specified, shall be defined as follows:

**Advancement:** A pay increase within the limits of the salary range established for a classification.

**Applicant:** A person who has filed an application for an employment position.

**Appointment:** The offer to and acceptance by a person of a position in the City service in accordance with the provisions of this Manual.

**Appointing Authority** The City Manager is designated as having the power to make appointments to any position to be filled in any City Department.

**At-Will Appointment:** Employment with the City that may be terminated with or without cause and with or without notice. At-will employees have no property interest, expressed or implied, in the positions to which they are appointed. Nothing in this Manual or in any document or statement shall limit the right to terminate an at-will employee.

**Candidate:** Any person who has been accepted for participation in an examination.

**City:** The City of Oakley, California; to also include the Successor Agency to the Oakley Redevelopment Agency and the Oakley Public Financing Authority, and any other governing body in which the City Council of the City of Oakley serves as the majority membership of the governing board, unless specifically excluded in this Manual.

**Classification Plan:** A list of titles of the classes of all regular positions in the City service, including a written specification of each class title and general description of the work to be performed by each class, a summary statement of duties and responsibilities for each class, and desirable qualifications for appointment.

**Classified Service:** All positions in the City service except the following: Elected Officials, the City Manager, the Assistant City Manager, the Assistant to the City Manager, the City Attorney, all Department Directors (as defined herein), and all Limited Service positions, and any employee hired as "at-will."

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**Collective Risk Management Team (CRMT):** A group of at least three employees appointed by the City Manager to be available to review, investigate, and evaluate, as a team, any workplace liability risk or wrongdoing, such as employee safety, theft, harassment, discrimination, etc. The CRMT will recommend to the City Manager appropriate corrective courses of action.

**Compensation Policy:** Policy adopted by the City Council that sets the salary ranges for each job position; and sets forth the process and procedure for adjustments of the salary ranges, benefits and movement within the salary ranges.

**Continuous Service:** Service without an unauthorized break during the period for which the employee has been employed by the City. An unauthorized break in continuous service shall be construed as a deliberate severance of employment initiated by either the City or the employee for a period of more than three (3) working days, unless otherwise provided by law.

**Council:** The City Council of the City of Oakley, California.

**Days:** Calendar days unless otherwise stated.

**Department Director:** The Director, or Lead Staff Person of a City Department or Division, or other manager who reports directly to the City Manager. Other employees that report directly to the City Manager serve "at-will" pursuant to job description and/or employment agreement.

**Dismissal or Discharge:** The disciplinary termination of an employee's employment with the City.

**Domestic Partners:** Two adults who have satisfied all requirements of domestic partnership under the California Family Code.

**Elected Official:** A person currently a member of the City Council

**Eligible:** A person who has earned a place on an active eligibility employment list established by a competitive examination.

**Employee:** A person who performs services for the City in the Classified, Limited, or Unclassified Service.

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**Exempt Employee:** An employee who meets the qualifications for exemption from overtime compensation established by federal law.

**Equal Employment Opportunity:** Employment procedures and policies shall be implemented without regard to race, religion, color, sex, sexual orientation, national origin, ancestry, citizenship status, uniform service member status, marital status, pregnancy, age, medical condition, physical or mental disability.

**Full-Time Position:** Appointment to a position in which the employee typically works forty (40) hours per work week.

**Grievance:** An alleged violation, misinterpretation, improper application or non-compliance with the Personnel Manual, or other official City policies or departmental rules, affecting the status or working conditions of City employees, filed by one or more employees.

**Human Resources Department:** The person designated by the City Manager to provide employment and benefit information, administer recruitments, safety and wellness programs, and other duties as assigned

**Immediate Family:** Includes individuals who are related by blood, marriage or adoption with the following relationships: spouse, domestic partner, child, step-children, parent, step-parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, parent-in-law, daughter-in-law, son-in-law, brother-in-law and sister-in-law. A spouse is a partner in marriage as defined in California Civil Code 4100.

**Layoff:** The non-disciplinary separation of an employee because of a material change in organization, or shortage of work or funds, or for other business reasons as determined by the City Council. Layoff is action taken as a management prerogative and is without fault of the employee.

**Leave:** Absence, with or without pay, by an employee from work.

*Authorized leave:* Absence from work with prior approval from the supervisor or the Department Director and for which an employee will use accrued and available leave. Employees who do not have sufficient leave accruals to cover her/his absences shall not be granted authorized leave except for good cause.

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*Unauthorized leave:* Absence from work without prior approval from the supervisor or the Department Director.

**Limited Service:** (Also called, “Part-time Temporary”). A position that has a specific term or seasonal purpose. Some Limited Service positions do not provide full-time, continuous employment throughout a fiscal year. Limited Service employees are paid for time worked on an hourly basis. Positions assigned to the Limited Service include, but are not limited to, hourly, temporary, limited part-time, intermittent, student, project, intern, some contract positions, emergency, and seasonal positions. While Limited Service employees may work more hours, these employees typically work less than twenty (20) hours per week. Limited Service employees serve “at-will” and have no property interest, express or implied, in the position.

**Management Rights:** The City of Oakley retains the exclusive right, except as expressly stated herein, to operate and direct the affairs of the departments of City government and all of their various aspects, including, but not limited to the right to direct the work force; to plan, direct and control all of the operations and services of the City; to determine the methods, means, organization and schedule by which such operations and services are to be conducted; to assign and transfer employees within the various departments to hire, promote, suspend, demote, discharge, reprimand, and evaluate employees; to relieve employees from duty due to lack of work or other legitimate reasons set forth in the City reduction-in-force policy; to change or eliminate existing methods, equipment, or facilities in order to maintain or increase the efficiency of governmental operations; and to exercise complete control and discretion over its organization and the technology of performing its work.

These Management Rights also include, but are not limited to, the following:

- To determine the mission of its departments, commissions and boards and to determine issues of policy;
- To set standards of service to be offered to the public;
- To exercise control and discretion over its own organization and operations;
- To determine methods of financing;
- To determine the methods, means, number and kind of personnel by which its operations are to be conducted, including the right to contract or subcontract work or City functions and to determine workloads and staffing patterns;
- To prescribe qualifications for employment, selection procedures and standards, job classifications, and to reclassify employees in accordance with applicable

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resolutions, rules and ordinances of the City;

- To administer the City's personnel system; to reclassify positions; to amend the Compensation Policy; and, to add or delete position or classes;
- To issue reasonable employee performance standards and to require compliance therewith;
- To maintain order, efficiency, and safety in its facilities and operations.
- Nothing herein shall not be deemed a waiver or surrender of any management prerogative.

**Nepotism Policy:** Policy prohibiting the hire or promotion of individuals who are related by blood, marriage or adoption to a member of the City Council, to a member of the Planning Commission, the City Manager, the City Attorney, or any person exercising appointing authority, or would have supervisory authority over such individuals. This prohibition includes the following relationships: spouse, domestic partner, child, step-children, parent, step-parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, parent-in-law, daughter-in-law, son-in-law, brother-in-law and sister-in-law, where such employee. A spouse is a partner in marriage as defined in California Civil Code 4100.

**Outside Employment:** Any employment, activity or enterprise outside of an employee's normal City working hours wherein the employee is compensated for specific hours or duties on a regular basis. Outside employment does not include sporadic employment or occasional employment unless the employee is required to perform work related to her/his position with the City or utilize any City owned/controlled facilities, equipment, information, records, supplies, and/or uniforms.

**Overtime Eligible:** Employees who are designated by the City as non-exempt pursuant to the Fair Labor Standards Act (FLSA). Hours worked in excess of forty (40) during the workweek, with prior Department Director approval, are compensable as overtime. FLSA exempt employees are not eligible for overtime.

**Part-Time Regular:** A person appointed to a regular position who is scheduled to work at least 20 but less than 40 hours per week, or at least 1,040 hours but less than 2,080 hours per year in a job-share or continued part-time work schedule and who has successfully completed the probationary period. A regular part-time employee occupies an authorized budgeted position and may be eligible for pro-rated benefits

**Part-Time Temporary:** See definition of "Limited Service." Part-time temporary employees are "at-will" and are not eligible for benefits and do not occupy a position within the classified service.

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**Personnel Officer:** The City Manager or someone appointed by him/her to act in that position.

**Promotion:** The movement of an employee from one classification to another classification having a higher maximum rate of pay.

**Personnel Action:** Any action taken with reference to appointment, compensation, classification, leave of absence, disciplinary action, or termination.

**Personnel Ordinance:** Oakley Municipal Code Title 2, Chapter 3 which creates a personnel system for the City and which the City Council from time to time may amend.

**Position:** A group of duties and responsibilities requiring employment of one person.

**Probationary Period:** A trial period of one (1) year after date of appointment during which an employee is required to demonstrate her/his fitness to perform the actual duties required of a specific position. The probationary period is an integral part of the examination of an individual, and the City will use the employee's probationary period to evaluate the employee's conduct, performance, attitude, adaptability, job knowledge and adherence to the policies found within this Personnel Manual. The City Manager may extend the probationary period up to an additional six (6) months. At-will employees do not have a formal probationary period.

**Regular Full-time Employee:** A person appointed to a regular position with the City who is scheduled to work five (5) days and forty (40), or more, hours per week, or other comparable full-time work schedule and who has successfully completed the probationary period. A regular full-time employee occupies an authorized budgeted position.

**Reinstatement:** The appointment, without examination, of either a former regular employee who resigned in good standing not more than one (1) year previously, or the return from a non-disciplinary demotion of an employee to a classification in which status was held not more than one (1) year previously. A reinstated employee must begin a new probationary period upon reinstatement.

**Resignation:** Resignation is a voluntary separation from the City with either verbal or written notice on the part of the employee. It is expected that employees will give at least two (2) weeks notice of resignation, preferably in writing. If employee gives verbal notice of resignation, the supervisor or the City Manager will acknowledge and accept

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the resignation in writing. Any acceptance a notice of resignation shall be final and may only be rescinded with approval of the City Manager.

**Retirement:**

***Service Retirement:*** The voluntary separation and concurrent retirement of a regular employee after becoming eligible for retirement benefits.

***Disability Retirement:*** The separation and concurrent retirement of a regular employee due to physical or mental inability to perform the duties of the position. Non-industrial disability means the disability need not be job-related. Industrial disability means the disabling injury or illness is work-incurred or job-related.

**Salary Range:** The minimum and maximum salary that is assigned to a job position. Salary ranges are set by the City Council.

**Suspension:** An involuntary absence from duty without pay imposed for disciplinary purposes.

**Termination:** The separation of an employee from City service, either voluntarily or involuntarily.

**Time Sheet:** The document on which an employee's actual hours worked and absences from work are recorded.

**Transfer:** A change of an employee from one position to another position in the same class or in a comparable class.

**Unclassified Service:** Positions that are not part of the Classified Service and in which there is no property interest. The Unclassified Service includes the City Manager, City Attorney, Assistant City Manager, all Department Directors, and Limited Service positions and any employees hired at-will. Employees serving in the Unclassified Service do so in an "at-will" status and employment may end at the lawful request of either the employee or the City.

**Vacancy:** An authorized position that is not occupied.

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**Work Week:** The workweek for non-exempt City employees shall be from 12:01 a.m. Monday through 12:00 midnight the following Sunday, unless otherwise designated in writing by the Department Director with approval of the City Manager.

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## **Section 3. Classifications of Positions**

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### **3.1. CLASSIFICATION PLAN**

The City Manager maintains a classification plan, authorized by the City Council, which arranges every regular employment position in the City into classes with titles and job specifications for each class. The classification plan and all future amendments must be approved and adopted by the City Council. The City Council reserves the right to eliminate classifications or staffed positions with at least fifteen (15) business days notice to any affected employee.

### **3.2. TYPES OF EMPLOYEES**

#### **Management Employees**

Management Employees, including Department Directors and other designated positions with significant responsibilities and that report to the City Manager are “at-will” and these employees can be terminated with or without cause and without the right of appeal. Management Employees are paid on a salary basis and are exempt from overtime provisions pursuant to FLSA guidelines.

#### **Probationary Employees**

Probationary employees are not regular employees and are still being evaluated as part of the testing process for the position. Probationary employees are “at-will” and can be released from employment during the probationary period with or without notice or cause and without the right of appeal.

#### **Regular Full-Time Employees**

Regular full-time employees are employees who, upon the recommendation by the Department Director and approval by the City Manager, have successfully passed probation and are employed in a budgeted position with an indefinite term, regularly scheduled to work full time hours and are accountable within the classified service Non-Management, regular full-time employees can only be disciplined or terminated for cause and may utilize the disciplinary appeal process outlined in this Manual. Management, regular full-time employees can be released from employment with or without notice or cause and without the right of appeal.

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### **Regular Part-Time Employees**

Regular part-time employees are employees who have successfully passed probation and hold a regular position in the classified service, but work between 20-40 hours per week. Regular part-time employees may hold either management or non-management positions. Regular part-time employees can only be disciplined or terminated for cause and may utilize the disciplinary appeal process outlined in this Manual. Depending on the position, at the discretion of the City Manager, part-time employees may be eligible to receive pro-rated benefits for their position based on the number of hours worked. Employees working nineteen (19) hours or less per week shall not receive prorated benefits.

### **Limited Term Employees**

Limited-term employees are hired for a specified period of time and may be either full-time or part-time, but typically work less than twenty (20) hours per week. Part-time temporary employees fall within this employee type. Limited-term employees are “at-will” and are hired to accomplish a certain project or for a certain period of time. Limited-term employees can be released from employment with or without notice or cause and without the right of appeal. At the discretion of the City Manager, limited-term employees may be eligible for the same benefits provided to a regular employee in the same position. Employees working nineteen (19) hours or less per week shall not receive prorated benefits.

### **Volunteers**

Individuals who agree to provide specified services to the City on a strictly voluntary basis for no pay or other compensation. They have no employment rights with the City. Unpaid interns are considered volunteers.

### **Independent Consultants/Contractors**

Individuals who are engaged to perform specified services for the City on a contract basis. These individuals are not City employees and are subject to the terms and conditions in their contracts with the City and have no employment rights with the City.

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## **Section 4. Recruitment and Selection of Employees**

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### **4.1. ADMINISTRATION**

The City is committed to administering a fair and equitable recruitment and selection process for hiring new employees and promoting current employees. Vacancies that occur shall be filled by competitive process. This process shall include appropriate posting and notice of the vacancy, review of the qualifications of each applicant based upon the education, training, characteristics, skills, knowledge, abilities required, and establishment of a list of eligible candidates (“finalists”). As the appointing authority for the City, the City Manager shall review the list of finalists for each position and approve the final appointment of an applicant.

### **4.2. ANNOUNCEMENT OF VACANCIES**

The recruitment announcement for vacant positions shall specify the position; title; salary range; nature of the work to be performed; the minimum qualifications required for the job; the time, place and manner of making an application; and any other pertinent information, including who to contact in the event that reasonable accommodation may be needed during the application process. The City may also fill vacant positions as “Promotional Only” recruitment.

### **4.3. APPLICATIONS**

An applicant for a position must submit an employment application as determined by the City. Once submitted, the application will become an official record of the City and will not be returned. Each application will be stamped with the date of receipt. The City Manager, or designee, shall review all applications for completeness and will make final determination of the applicant’s qualifications. Whenever an applicant is rejected, disqualified, or not selected for any reason, the applicant shall be notified in writing within a reasonable period. The City Manager may extend or reopen the time for filing applications.

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#### **4.4. COMPETITIVE SELECTION PROCESS**

The City shall use a competitive testing and selection process designed to determine the applicants with the best qualifications to perform the job. An eligibility list will be established of all qualified candidates who successfully pass the testing and selection process and are deemed the finalists for the position. The City Manager shall approve the final appointment of an applicant to a position.

#### **4.5. REASONABLE ACCOMMODATION FOR DISABILITIES**

In accordance with applicable Federal and State laws, the City will attempt to accommodate reasonably qualified individuals with disabilities unless doing so would create an undue hardship on the City. Any qualified applicant or employee with a physical or mental disability who requires an accommodation in the testing and/or selection process or in order to perform the essential functions of the job should contact the Human Resources Department and request an accommodation.

#### **4.6. DRIVER'S LICENSES**

All employees who are required to operate a City vehicle or operate City equipment shall be required to maintain a valid California Drivers License in the proper classification and with the proper endorsement (for example, a Recreation Supervisor responsible for transporting passengers must maintain a valid Class B license with passenger endorsement). All employees who may be assigned work entailing the operation of a City vehicle will be required to submit to a Department of Motor Vehicles driving records check as a condition of employment. The Human Resources Department shall process such checks.

##### **4.6.1. Employer Pull Notice Program**

The City participates in the Department of Motor Vehicles Employer Pull Notice Program. The purpose of the program is to provide the City with a means of promoting driver safety through the ongoing review of driver records. All records are maintained by the Human Resources Department and are strictly confidential.

A report indicating a suspended or revoked license status or indicating an unsafe driving record may be cause to deny or terminate employment. Any employee who does not hold a valid driver's license will not be allowed to operate a City vehicle until she/he

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obtains a valid license, and may be subject to disciplinary action. Any employee performing work, which requires the operation of a City vehicle, must notify her/his immediate supervisor in those cases where her/his license is expired, suspended, or revoked and/or who is unable to obtain an occupational permit from the Department of Motor Vehicles. Any employee who fails to report such revocation or suspension to her/his supervisor and continues to operate a City vehicle shall be subject to the full range of disciplinary action, up to and including termination from employment. Any employee whose job specification requires him/her to have a valid driver's license in order to fulfill the requirements of the position may be subject to disciplinary action, up to and including termination, for inability to obtain a valid license due to suspension or revocation of the license.

#### **4.7. OTHER TYPES OF APPOINTMENTS**

A vacant position may be filled from an original appointment, temporary appointment, reinstatement, transfer, promotion, or demotion.

##### **4.7.1. Transfer**

A transfer is the appointment of a person from one classification to another which is equivalent to that of the classification held prior to the transfer, and/or from one department or division to another, upon approval of the City Manager and the affected Department Directors. A transfer of a regular employee from a position in one classification in the Classified Service to a position in another classification having related duties and responsibilities as determined by the City Manager and the same salary range, shall assume regular status in the classification to which assigned and may be required to serve a probationary period at the discretion of the City Manager. All other employees transferred to a position in the Classified Service shall serve a probationary period as set forth in this Manual.

##### **4.7.2. Promotion**

The appointment of any employee to a position, other than special assignment, in a classification, which has a higher maximum rate of pay than the employee's present position, constitutes a promotion. Advancement from level I to level II of a classification is also deemed a promotion. In all cases, such promotion will be at the recommendation

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of the Department Director and upon approval of the City Manager, with confirmation that the expenditure created by such promotion is covered by the department budget. If not, the request for a budget adjustment will be presented to the City Council for consideration.

The promoted employee's new anniversary date shall be the effective date of the promotion. Unless extended or otherwise stated, an employee who has been promoted to a position in the classified service must successfully complete a one (1) year probationary period in the new position in order to attain regular employment status in such position

#### **4.7.3. Demotion**

A demotion is the appointment of a person to a classification having a lower maximum rate of pay. An employee may be demoted at her/his request, or because of a reduction in force, for disciplinary reasons, because of organizational restructuring, or for other reasons. Before a non-disciplinary demotion is considered effective, such action requires approval of the City Manager. Disciplinary demotions shall be imposed pursuant to this Manual. For a disciplinary demotion, a new anniversary date shall be established as of the effective date of demotion. For a non-disciplinary demotion, the employee's previous anniversary date shall be retained. If the demotion involves an employee with regular status in her/his position at the time of demotion, then the demoted employee shall assume regular status in the classification to which she/he is demoted. A demoted employee may be required to serve a probationary period, in the classification, which she/he is demoted, at the discretion of the City Manager.

#### **4.7.4. Acting/Interim Position**

Employees directed to work continuously in a vacant higher level regular position may receive a **temporary** salary increase to the **beginning** of the salary range of the higher-level position, or at least a 5% temporary increase in pay, whichever is greater, for the time actually worked in excess of 20 workdays. Such increase shall be determined as if the assignment had been a promotion retroactive to the first day of such assignment. For purposes of this Manual, a vacant position is defined as an authorized regular position that is unoccupied due to attrition or due to the incumbent being on an extended leave of absence. The City Manager must approve requests for higher

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compensation. The City Manager may only approve such requests upon certification that the assigned employee meets the minimum training and experience guidelines and is held responsible to perform fully the scope of duties that are outlined in the job description of the higher-level position. Assignment rotations among qualified staff are encouraged unless such rotations would considerably disrupt the operations of the departments (s).

#### **4.8. MARITAL STATUS AND IMMEDIATE FAMILY**

It is the City's policy not to discriminate against employees based on marital status. The City retains the right to:

1. Refuse to place one spouse or immediate family member under the direct supervision of the other spouse or immediate family member in that the placement has the potential for creating an adverse impact on supervision, safety, security, or morale.
2. Refuse to place spouses or immediate family members in the same department, division or facility in that it has the potential for creating an adverse impact on supervision, safety, security or morale, or potential conflicts of interest.

##### **4.8.1. Anti-Nepotism Policy**

The City prohibits the hiring or promotion of individuals who are related by blood, marriage, or adoption to a member of the City Council, to a member of the Planning Commission, the City Manager, the City Attorney, or any person exercising appointing authority, or would have supervisory authority over such individuals. This prohibition includes the following relationships: spouse, domestic partner, child, stepchildren, parent, stepparent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, parent-in-law, daughter-in-law, son-in-law, brother-in-law, and sister-in-law. A spouse is a partner in marriage as defined in California Civil Code 4100.

##### **4.8.2. Marriage of Co-Employees**

If employees marry or become domestic partners, or an employment relationship listed above is created by any other means, the City shall make reasonable efforts to assign job duties to minimize problems of supervision, safety, security, morale, or potential conflicts of interest. Should reasonable efforts to assign job duties to minimize such problems fail, one of the following must occur:

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The City Manager or designee will attempt to arrange a transfer to a similar position in another department, division, or facility for one of the employees, usually the one in the junior classification. While the wishes of the involved parties will be considered, the controlling factors in determining which relative shall be transferred shall be the positive operation, efficiency, and needs of the City. There can be no guarantee that the new position will be within the same classification or at the same salary level.

One of the employees must be separated from City employment if a transfer or demotion is not available. If one of the employees does not voluntarily resign, the City Manager may dismiss one employee and retain the other based on the best interest of the City. Neither the transfer of an employee nor the separation from service of an employee or any other decision implemented pursuant to this policy shall be subject to any administrative appeal or the grievance procedures.

#### **4.9. EMPLOYMENT INCENTIVES**

In the process of recruitment, selection, and retention, the City may consider various employment incentives. In *no* case; however, shall the City offer or authorize loans for real property or for any type of equity share agreements for real property to potential or existing City employees.

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## **Section 5. Equal Employment Opportunity**

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The City is committed to providing equal opportunity in all of its employment practices, including selection, hiring, promotion, transfer, and compensation, to all qualified applicants and employees without regard to race, religion, color, sex, sexual orientation, political affiliation, national origin, ancestry, citizenship status, uniform service member status, marital status, pregnancy, age, medical condition, physical or mental disability or any other protected status in accordance with the requirements of all federal, state and local laws. Unless based upon a bona fide occupational qualification, employment procedures and policies shall be implemented without regard to race, religion, color, sex, sexual orientation, national origin, ancestry, citizenship status, uniform service member status, marital status, pregnancy, age, medical condition, physical or mental disability. All such discrimination or harassment is unlawful and all persons involved in the operations of the City are prohibited from engaging in this type of conduct.

The City's Equal Employment Opportunity Policy can be found in Appendix A.

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## **Section 6. Probationary Period**

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### **6.1. APPLICATION**

This section applies only to employees who have been hired or promoted to regular full-time or regular part-time positions. It does not apply to management employees, limited service and part-time temporary employees or any other employees that are considered "at-will."

### **6.2. PROBATIONARY STATUS**

All regular part-time and regular full-time employees hired or promoted shall be required to serve a one (1) year probationary period beginning from the date of appointment or promotion. The probationary period is considered an extension of the testing process, is intended to allow the City to determine if the employee can successfully perform the job, and is a good fit for the organization. The probationary employee's performance will be periodically reviewed during this period. The probationary period does not include time served under a temporary or part-time appointment or for any period of unpaid leave.

During the probationary period, the employee may be rejected from employment at any time, with or without cause, and without any right of appeal, hearing, or grievance procedure. No justification or cause will be provided to a probationary employee rejected from probation.

A regular part-time or full-time employee who is rejected during the probationary period from a position to which she/he has been promoted, may be reinstated to a position in the classification from which she/he was promoted if a vacancy in such a classification exists and unless the employee is terminated from City service as provided for in this Manual.

### **6.3. ACTION REQUIRED TO REMOVE EMPLOYEE FROM PROBATIONARY STATUS**

An employee remains on probation until the City takes formal, written action to remove the probationary employee from probationary status. If an employee successfully completes the probation period, her/his Supervisor shall complete a performance appraisal review at the approximate date of the probationary employee completing one (1) year in the probationary position. This performance appraisal will be accompanied

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by a Personnel Action Form (PAF) fully executed by the Department/Division Director, Finance Director, Human Resources Department, and the City Manager.

#### **6.4. EXTENSION OF PROBATION**

An employee's probation may be extended for up to six (6) months if it is determined by the City Manager that there is a need for further evaluation before making a regular appointment to the position. An employee not removed from probationary status pursuant to the provision of Section 6.3 within ten (10) working days following the completion of one (1) year of probationary employment shall have his or her probationary status automatically extended for twenty (20) working days. An employee who is automatically extended may request a written performance appraisal to be completed within ten (10) working days of the request. An employee's probationary period will also be automatically extended for any leave of absence or sick leave of more than 30 calendar days taken by the employee during the probationary period. The probation period will be extended by the length of time that the employee is on leave. A transfer of a regular employee from a position in one classification in the Classified Service to a position in another classification having related duties and responsibilities as determined by the City Manager and the same salary range, shall assume regular status in the classification to which assigned and may be required to serve a probationary period at the discretion of the City Manager.

#### **6.5. REJECTION FROM PROBATION**

The City Manager may determine that an employee did not pass probation at any time during the probationary period with or without cause or notice. The probationary employee does not have the right to appeal this decision. No justification or cause will be provided to the probationary employee rejected from probation.

#### **6.6. COMPLETION OF PROBATION**

Once the employee has successfully completed the probationary period, or subsequent probationary period if promoted or transferred, the employee will hold a regular position and can only be disciplined or terminated for cause or a reduction in force.

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## Section 7. Performance Expectations, Evaluations and Professional Development

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### 7.1. PERFORMANCE EXPECTATIONS

The City's expectation is for all employees to perform their job duties in a polite, professional and progressive manner. The City's goal is to provide the guidance and tools necessary to make this level of job performance possible. Together, with effective communication, the employer/employee team can be more successful.

#### 7.1.1. The 3P's of Public Service

**POLITE** means we are customer-friendly, courteous and tactful. We have a "CAN DO" attitude. We acknowledge people who have concerns and we listen and try to understand. We treat people fairly and how we would like to be treated. We are respectful and we are friendly. We never raise our voices or use unkind words or expressions.

**PROFESSIONAL** means we are trained and competent in our jobs. We seek to learn more about our jobs so we can perform better - we "sharpen the saw." We take pride in the quality of our work and we do not just seek to do our best, we always strive to do better. If we are not moving forward professionally then we are moving backward. "Every job is a self-portrait of the person who did it."

**PROGRESSIVE** is that we are willing and anxious to find more creative and efficient ways of doing things. We do not do things "the same way we have always done them." We listen to suggestions from our supervisors, co-workers (especially new employees), and members of the public. We take advantage of new technology and ideas. We have a vision and look to the future of how things can and should be. In fact, we dream of things that never have been and say, "Why not?"

### 7.2. PERFORMANCE EVALUATION

Performance evaluations are communication tools used to provide constructive feedback on work performance, professional relationships, goals, and expectations. During the evaluation, the parties should discuss progress on goal achievement from the prior year, identify and correct weaknesses, encourage and recognize strengths, and discuss methods for improving individual and team performance. Performance evaluations also provide an opportunity for the employee to notify the supervisor of any problems, concerns, or suggestions that would help improve the City, the work

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environment, or the employee's job performance. Employees and supervisors should not wait to discuss any matters of concern until a performance evaluation is held. These items of concern should be addressed as they arise.

A performance evaluation for each regular employee (including regular part-time) shall be made each year by the Department Director using the City's performance evaluation form (see Appendix B), pursuant to the City's Compensation Policy. The performance evaluation will serve as the basis for determining any increase in pay within the pay range for the employee's position pursuant to the City's adopted Compensation Policy, as it may be modified from time to time by the City Council.

### **7.3. PROCEDURE FOR CONDUCTING PERFORMANCE EVALUATIONS**

As a part of the performance evaluation, each employee will conduct a written self-evaluation regarding her/his own performance and to develop goals and identify areas for professional development. The employee's supervisor and Department Director will utilize the employee's self-evaluation as part of the formal preparation of the annual performance evaluation. The Department Director will utilize the City's performance evaluation form and prepare a draft for the City Manager's review. Following the City Manager's review, the Department Director will meet with the Employee to complete the evaluation. The Department Director shall then forward the completed evaluation to the Human Resources Department, and a copy of each performance evaluation shall be retained in the employee's personnel file on a permanent basis.

### **7.4. INFORMAL PERFORMANCE EVALUATIONS**

In addition to the more formal annual performance evaluations, the City encourages discussions of an employee's job performance on an ongoing basis.

### **7.5. EMPLOYEE TRAINING AND DEVELOPMENT**

The City encourages all employees to seek additional training and development of their job skills and knowledge. When possible, the City will provide periodic training to assist employees in developing their professional skills and knowledge.

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## **7.6. TUITION REIMBURSEMENT**

### **7.6.1. Eligibility**

To be eligible for tuition reimbursement, an employee must:

- Be a regular full-time, employee of the City at the time of enrollment in course(s)
- Obtain prior written approval for the course from her/his Department Director and the City Manager
- Enroll at an accredited college or university for courses taken for credit

Regular part-time employees may request to participate in the Tuition Reimbursement Program. Approval is at the discretion of the City Manager. If approved by the City Manager, the maximum reimbursable amount would be pro-rated.

### **7.6.2. Criteria**

In order to be approved, the course(s) must be:

- Scheduled on the employee's own time
- Directly related to the employee's work
- Required for an academic degree in a field that is directly related to the employee's work or of clear benefit to the City, at the discretion of the City Manager.

### **7.6.3. Tax Issues**

Tax consequences of participating in the City's Tuition Reimbursement Program depend on current IRS regulations and are ultimately the responsibility of the employee, not the City.

### **7.6.4. Reimbursement**

When an employee has demonstrated completion of the approved course with a Grade of "B" or better, or a "pass" if the course is offered on only a "pass or fail" basis, the employee will be reimbursed for one hundred percent (100%) of the expenses covering tuition, registration fees, textbooks, and any required or mandatory fees for the approved class. The maximum allowable reimbursement is \$2,500 per fiscal year. No other expenses will be considered. Amounts not used are not carried over to the next

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calendar year. Should an employee drop or fail to complete a course, she/he shall not be entitled to reimbursement.

#### **7.6.5. No Reimbursement**

No tuition reimbursement will be made in the event of employment termination prior to satisfactorily completing the course.

#### **7.6.6. General Information Regarding Tuition Reimbursement Program**

The City reserves the right to amend, modify, or terminate the program at any time. All employees will be notified in writing if any such changes occur. Under such circumstances, all commitments made up to the time of cancellation will be honored by the City.

Participation in the program is intended to help employees improve their knowledge and skills in order that they may perform their present and future job assignments in a more proficient manner. However, promotion within the City is predicated upon many factors; therefore, participation in the program is not a guarantee of advancement or promotion.

#### **7.7. PROFESSIONAL ORGANIZATION MEMBERSHIP/CERTIFICATE RENEWAL**

The City encourages participation in professional organizations and shall reimburse employees for professional memberships and certification expenses, which are considered by the City Manager to enhance the employee's job-related skills, abilities, and knowledge. Questions on whether or not a particular membership or certification is an approved expense must be brought to the employee's Department Director or to the City Manager, prior to joining the professional organization. Dues for approved membership in professional organizations and fees for approved professional certification may be paid directly by the City or will be reimbursed upon submittal of satisfactory evidence of payment.

#### **7.8. TRAVEL AND TRAINING FOR PROFESSIONAL DEVELOPMENT**

The City strongly encourages on-going training and professional development, some of which requires out of town travel. Such out of town travel and training will follow the policies and procedures outlined in the City's Travel Policy, found in Appendix C.

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## **Section 8. Workweek, Schedules, Attendance and Overtime**

### **8.1. HOURS OF BUSINESS**

All City offices shall be open from 8:30 a.m. to 5:00 p.m. Monday through Friday, unless otherwise established and authorized by the City Manager in writing.

### **8.2. ATTENDANCE**

Employees shall be in attendance at their work or assigned duties at the time and place prescribed by the department to which they are assigned. Tardiness and excessive absenteeism will not be tolerated.

### **8.3. OFFICIAL WORKWEEK FOR COMPUTING OVERTIME AND COMPENSATORY TIME**

The workweek for non-exempt City employees shall be as follows, unless otherwise designated in writing by the Department Director with approval of the City Manager. The workweek for City employees shall be from 12:01 a.m. Monday through 12:00 midnight the following Sunday.

### **8.4. STANDARD WORK PERIODS FOR NON-EXEMPT, FULL-TIME EMPLOYEES**

Non-exempt full-time employees are normally scheduled to work a total of 40 hours during each workweek. The customary workday or work period for non-exempt City personnel shall be as follows:

#### **Non-exempt office personnel:**

8:30 a.m. to 5:30 p.m. with a one (1) hour unpaid lunch period.

#### **Non-exempt Public Works/Parks field personnel:**

7:30 a.m. to 4:30 p.m. with a one (1) hour unpaid lunch period.

The City Manager shall designate the work schedule for employees. Due to the changing needs of the City, work schedules of employees may vary from time to time. Supervisors will be in charge of notifying employees when work schedules change, and employees will be notified in writing of any changes in the employee's standard work schedule with at least five (5) working days notice. Employees shall be in attendance at work in accordance with their approved work schedule.

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### **8.5. LUNCH OR MEAL PERIODS**

A regular schedule for lunch or meal periods will be authorized by the supervisor or Department Director for non-exempt employees, as consistent with the law. The customary lunch period for full-time employees is one (1) hour and typically from 12:00 pm to 1:00 pm. A Department Director may consider a thirty (30) minute non-paid lunch period in lieu of the regular one (1) hour lunch period, if requested in writing or via email by an employee and if such a schedule will not impair the efficiency and effectiveness of the department, at the discretion of the Department Director. The Department Director may rescind approval of a shortened lunch period with at least five (5) working days written notice to the employee.

### **8.6. DESIGNATION OF AN ALTERNATIVE WORK SCHEDULES**

The City Manager is authorized to designate alternative work schedules for employees. Examples of alternative schedules are the 9/80 or 4/10 workweek.

An employee may request an alternative work schedule by submitting a written request to her/his Department/Division Director. For an alternative work schedule other than a shortened lunch period, the Department/Division Director will then discuss the request with the City Manager who shall have final authority to approve or deny the request. The employee will then be notified if the requested alternative work schedule is approved. Approval will be on a case-by-case basis and the City Manager reserves the right to rescind approval of the alternative work schedule with at least five (5) business days written notice to the employee. A record of approval of an alternative work schedule shall be on file in the Human Resources Department.

### **8.7. BREAK PERIODS – NON-EXEMPT ELIGIBLE EMPLOYEES**

Non-exempt employees shall be allowed one, paid fifteen (15) minute break for each four (4) hour period worked. Breaks are generally scheduled in the middle of each four (4) hour work period. However, the supervisor or Department Director shall have the authority to arrange break times which best meet the needs of the department, but not within one (1) hour of the employee's starting time, quitting time, or lunch period. With approval of the Department Director and City Manager, an employee may voluntarily agree to place one or both break periods within one (1) hour of the employee's quitting time. Break periods may not be scheduled or taken consecutively or in conjunction with

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the lunch period. Further, break periods do not accrue and cannot be “saved” or used at a later time.

#### **8.8. TIME SHEET SUBMITTAL**

Department Directors must submit time sheets to the Finance Department’s employee who is designated to process payroll, every other week by 10:00 a.m. on the Monday following the completion of a pay period. The failure to submit a timesheet within the appropriate time frame may result in the paycheck not being processed until the following pay period. Time sheets must be signed by the employee and her/his Department Director, or designee, in order to be processed.

#### **8.9. TIME REPORTING – EXEMPT EMPLOYEES**

Exempt employees may be required to use accrued leave time (e.g., vacation, sick, or management leave) for partial day absences of four hours or more if the employee has such accrued time available.

#### **8.10. TIME REPORTING – NON EXEMPT EMPLOYEES**

##### **8.10.1. Purpose of Time Reporting**

Recording of hours worked and/or leave time taken by employees is necessary to provide an accurate basis for preparing paychecks, monitoring leave accruals, assuring compliance with Federal and State law, and maintaining an effective and efficient accounting system.

##### **8.10.2. Hours Worked**

Overtime eligible employees will be paid for all hours worked. Hours worked include:

- A. Hours before or after the normally assigned shift, if approved in advance by the Department Director in writing. Record hours worked to the nearest quarter (1/4) hour. Periods of six (6) minutes or less are not considered overtime when such work periods are not regularly recurring. Prior permission of the employee’s supervisor or Department Director must be obtained. Unless it is a justifiable emergency, working overtime that has not been pre-approved will result in disciplinary action.
- B. Rest periods of fifteen (15) minutes or less, as outlined in this Manual.

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- C. Out-of-town travel is covered by two sets of rules, depending on whether the assignment is for one day or requires an overnight stay. If an employee is given a one-day assignment in another city which does not require an overnight stay, all the time spent traveling between cities is counted as hours worked. However, time spent traveling between the employee's home and the airport or train station (during the employee's departure or return) is not considered work time because it is equivalent to travel between work and home. If the employee's out-of-town travel requires an overnight stay, time spent traveling to another city is counted as hours worked only to the extent that it coincides with the employee's regular workday. Travel that occurs during hours of the day in which the employee normally works, is counted as work time, even if it falls on a non-working day for the employee (for example, a Saturday or Sunday). If, on the other hand, the travel occurs during hours that are outside the employee's regular workday, it is not counted as hours worked unless the employee actually performs work for the City while traveling during these regularly unscheduled hours. Please see the City's Travel Policy in Appendix C.
  - D. Hours spent at lectures and training activities conducted by the City, unless attendance is voluntary and the employee's job performance is not dependent upon such training.
  - E. Hours spent in public or charitable work if it is at the City's request or as part of an employee's regularly scheduled shift.

### **8.10.3. Responsibility for Completion of Time Sheets**

Employees are responsible for the accurate and timely submission of time sheets and other supporting documentation to their supervisor for approval. Timesheets should reflect the actual time worked and be filled out on at least a daily basis.

- A. All overtime eligible employees will record all hours worked and all leave time taken, and the type of leave to be charged, whether paid or unpaid, on the time sheet.
- B. All exempt employees in positions which require an accounting of hours worked by work order number will enter their hours worked for each project and all leave hours taken on the time sheet.
- C. Exempt employees in positions not required to account for hours worked by work order number will record only those hours off for sick leave, management leave, vacation, or other applicable leave.

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- D. Supervisors or Department Directors shall not alter or adjust the hours that an employee reports on her/his time sheet. If an employee's time sheet is inaccurate or appears to be inaccurate, the Department Director will meet with the employee and if it is determined the employee's time sheet is, in fact, inaccurate, the Department Director will direct the employee to correct the time sheet. If an inaccurate time sheet is forwarded for payment by the Department Director due to an error by the employee and the pay to the employee is more or less than what would have been payable due to the error, the adjustment in pay will be made on the employee's next regular paycheck.
  - E. Intentional inaccuracies or falsification of any kind of the submitted timesheet will result in disciplinary action, up to and including termination.

#### **8.11. OVERTIME REPORTING**

Employees designated as "non-exempt" pursuant to the provisions of FLSA are eligible for overtime pay. As stated in this Manual, overtime must be approved in advance and in writing by an employee's Department/Division Director.

##### **8.11.1. Hours for Overtime**

For overtime purposes, City employees in positions designated as overtime eligible will receive additional compensation, either cash or compensatory time off, in any workweek during which they work more than 40 hours. Employees required to work overtime will not be forced to take time off in the same workweek to avoid paying overtime, but may volunteer to do so. City employees in exempt positions are not eligible for overtime pay or compensatory time off.

Time paid but not worked, including sick leave, compensatory time off, holiday and vacation, does not count as hours worked for the purpose of computing overtime hours. If an employee is compensated for holidays on which he or she does not work, the holiday hours do not count in determining overtime entitlement as overtime premiums are based upon hours worked, not upon hours paid.

- A. The Human Resources Department will maintain a list of employees in positions eligible for overtime pay.
- B. Overtime pay for work on an employee's scheduled day off will be based on actual hours worked in excess of 40 hours per week.

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C. Hours worked on a furlough day may be taken as unpaid time off at a later date at the discretion of the Supervisor and City Manager

**8.11.2. Accounting for Portions of an Hour Worked**

Partial hours of overtime are accounted for in quarters of an hour as indicated below:

Time Worked	Indicate on Time Sheet
6 – 15 min.	¼ hour
16 – 33 min.	½ hour
34 – 48 min	¾ hour
49 – 60 min.	1 hour

**8.11.3. Compensation for Overtime**

Compensation for overtime hours worked shall be at the rate of 1.5 times the eligible employee's regular rate of pay, in either cash or compensatory time off.

The form of compensation shall be at the option of the employee; provided, however, that no employee shall accrue more than forty hours (40) of unused compensatory time off. Accrual of compensatory time off shall be at the rate of 1.5 hours of compensatory time off for each overtime hour worked. An employee who has accrued the maximum allowed balance of compensatory time off shall be paid cash on her/his next regular paycheck for any additional overtime hours worked.

Compensatory time off is intended to be taken as soon as it is mutually convenient following the date on which it was earned. When requesting to use compensatory time, the employee shall complete a Request for Leave form and submit it to her/his supervisor for approval.

At any time, the City may pay an employee in cash on any regular paycheck for compensatory time off earned and not used, no matter the amount of hours accrued. A promotion or reclassification will result in the cash out of any accrued compensatory time prior to the effective date of the promotion or reclassification.

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## 8.12. EXEMPT EMPLOYEE POLICY

FLSA exempt personnel are hired with the understanding that they are responsible for accomplishing the duties outlined for their assigned position or job, and not for a certain number of hours each day. The focal point is the job to be done, not the number of hours worked. However:

1. Exempt employees are designed with an “at least 40-hour” workweek in mind. The necessity to perform consistent work for a substantial amount of hours over 40 per workweek should be examined so that exempt employees are utilizing their time wisely. A part-time regular employee may be classified as exempt and would be expected to perform work for “at least” the hours she/he is on average expected to work.
2. Exempt employees, including Department Directors, are generally expected to be available to perform their job duties during normal business hours (usually 8:30 a.m. to 5:30 p.m., Monday through Friday). However, completing the work assigned for an exempt position from time to time will require extra work to be performed outside of normal business hours or on the weekend (Saturday and/or Sunday).
3. Recognizing the varying demands placed on an exempt employee’s time, and in recognition of exempt employees spending substantially more than a typical workweek in accomplishing the job, the City allows exempt employees to take limited periods off without using accrued vacation or sick leave. Typically, an exempt employee will have a deduction from her/his accruals to equal the amount of time absent from work that reduces the employee’s normal workday, similar to non-exempt employees.
4. Neither flexible work hours nor paid management leaves constitute additional compensation to exempt employees on an hour-for-hour basis for hours worked in excess of 40-hours per week. Accordingly, exempt employees do not accrue a balance of compensatory leave hours.

## 8.13. MANAGEMENT LEAVE - EXEMPT EMPLOYEES

In lieu of the payment of overtime, exempt employees are granted 80 hours of management leave on January 1 of each calendar year. An exempt employee hired or promoted after January 1 of any given year will have her/his management leave prorated according to the following schedule:

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<b>Month of Hire or Promotion</b>	<b>Allocation of Hours</b>
January	80.00
February	73.33
March	66.67
April	60.00
May	53.33
June	46.67
July	40.00
August	33.33
September	26.67
October	20.00
November	13.33
December	6.67

All 80 hours of management leave must be used during the calendar year in which they are granted. Management Leave will not be cashed out except for resignation, layoff, or retirement of an employee who has passed her/his probation period. Management leave will not carry over into the next calendar year unless approved in writing by the City Manager. Such a request must be submitted to the City Manager on or before December 15 of each year. If an exempt employee has been previously approved to take Management Leave in December of a calendar year and the City then requires the employee to cancel such previously approved leave, the employee may carry over the amount of previously approved Management Leave to the next calendar year; however, the previously approved leave must be used by the employee no later than March 1st of the next calendar year.

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## **Section 9. Compensation and Benefits**

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### **9.1. COMPENSATION PLAN**

The City Council shall by resolution adopt and maintain a Compensation Policy with a salary range for each regular full-time and regular part-time position. The City Manager shall administer the Compensation Policy.

### **9.2. NEW EMPLOYEES**

New employees shall be appointed at the pay rate designated by the City Manager within the pay range to which their classification is assigned. Typically, a new employee's salary will be placed at the beginning of the salary range. When it appears that the education and previous training or experience of a proposed employee, or the difficulty in recruiting for the position, would justify a salary in excess of the beginning salary, the City Manager may authorize a higher beginning salary within the pay range.

### **9.3. MERIT INCREASES**

Advancement within the salary range will be made based on merit as determined by the supervisor and approved by the City Manager after reviewing the employee's work performance and contributions to the City. All increases will be consistent with the City's Compensation Policy, which may be amended from time to time by the City Council.

### **9.4. PAY UPON SEPARATION**

An employee separated from employment for any reason, including resignation, termination, release from probation, layoff or retirement, is entitled to pay for any work completed for the City from the first day of the final pay period to the effective date of separation. The employee is also entitled to receive payment for any accrued vacation, floating holidays, management leave, and compensatory time actually earned, but not taken. The City does not compensate employees for unused sick leave, unless the employee has successfully completed at least five (5) years of total employment with the City, then the employee will be compensated for fifty percent (50%) of the value of any unused sick leave at separation, pursuant to the terms and conditions found in this Manual.

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#### **9.5. EMPLOYEE PAYCHECKS**

Paychecks are distributed biweekly on the normally scheduled payday unless otherwise notified. Employees who enroll in direct deposit will receive a pay stub in lieu of a check. Any questions about pay amount or deductions should immediately be brought to the attention of the Finance Director.

#### **9.6. OVERTIME AND COMPENSATORY TIME OFF**

Overtime will be paid as compensation and/or compensatory time off accrued pursuant to Section 8 of this Manual.

#### **9.7. INSURANCE BENEFIT PROGRAMS**

The City provides Health Insurance (Dental/Medical/Vision), Life Insurance and Long Term Disability Insurance benefits for regular employees at percentages or rates determined by the City Council. Employees should contact the Human Resources Department for details concerning the terms, enrollment, and eligibility to receive these benefits, as well as other optional benefits provided, if any. The City Council reserves the right to modify the insurance benefit program at any time and provide as much notice as possible to employees affected by any change.

#### **9.8. HEALTH INSURANCE BENEFIT**

The City provides a health insurance benefit for regular employees at percentages or rates determined by the City Council. Employees who waive group insurance coverage must complete the Waiver Form and provide proof of alternative coverage to the Human Resources Department.

This election can only be made during the City's Annual Open Enrollment period. Exception to this rule may only be made under circumstances in which alternative coverage is terminated.

#### **9.9. RETIREMENT BENEFIT PROGRAM**

The City participates in the California Public Employees Retirement System (CalPERS). The Human Resources Department and/or CalPERS should be contacted for details concerning the terms, enrollment, and eligibility to receive these benefits as well as other optional retirement plans that may be provided. Current CalPERS policy

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stipulates that when an employee completes five (5) years of employment within the system, she/he is then fully vested in CalPERS.

Currently, the City pays the employer and most of the employee contribution into CalPERS. Employees hired before October 18, 2010 are currently enrolled in the 2.5% at 55 CalPERS plan and the employee contributes 2% to the CalPERS retirement system, which is deducted on a biweekly basis from the employee's paycheck.

Employees hired after October 18, 2010, are enrolled in the 2% at 60 CalPERS plan and the employee contributes 2% to the CalPERS retirement system, which is deducted on a biweekly basis from the employee's paycheck.

#### **9.10. EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The City offers an employee assistance program that allows confidential discussions with a professional counselor at no initial cost to the employee. This program is intended to help employees when they have personal problems or other matters that are affecting their work.

All regular employees are given an informational brochure with their new employee information package upon hire. The brochures are also available via the Employee Bulletin Board and from the Human Resources Department. The EAP brochure explains in more detail how to use the program and provides the phone number to call. The City encourages employees to use this benefit when needed.

#### **9.11. CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA) CONTINUATION OF GROUP HEALTH BENEFITS**

The Consolidated Omnibus Budget Reconciliation Act (COBRA) gives workers and their families who lose their health benefits the right to choose to continue group health benefits provided by their group health plan. The coverage is for limited period under certain circumstances such as voluntary or involuntary job loss, reduction in the hours worked, transition between jobs, death, divorce, and other life events. Qualified individuals may be required to pay the entire premium for coverage up to 102 percent (102%) of the cost to the plan.

Employees covered by the City's medical insurance plan who voluntary or involuntary terminate employment for reasons other than gross misconduct or who have a reduction in the number of hours of employment have a right to choose to pay for continuation

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coverage if they lose their group health coverage, pursuant to applicable state or federal law. An employee's eligible dependents may also have the right to elect and pay for continuation of coverage for a temporary period in certain circumstances where their coverage under the plan would otherwise end.

Questions concerning employee rights under COBRA should be directed to the Human Resources Department.

#### **9.12. BILINGUAL PAY**

With a significant percentage of Oakley residents being Hispanic, the City embraces its cultural diversity and recognizes that there are occasions when a customer needs to communicate with employees in Spanish. This bilingual ability is not only beneficial in the performance of department tasks, but also reflects the City's progressive approach to its delivery of services. Employees who receive bilingual pay shall be determined at the discretion of the City Manager based on the business needs of the City. Employees who demonstrate a proficiency in Spanish based on an oral and/or written assessment, approved by the City Manager or her/his designee, shall receive thirty-five dollars (\$35) per pay period as bilingual pay. Employees receiving bilingual pay will be asked to translate and assist other departments/divisions as requested. Bilingual pay shall be prorated for employees working less than full-time and/or who are in an unpaid status for any part of the biweekly pay period.

Unless operational needs of the City change, a maximum of eight (8) employees will be eligible to receive bilingual pay. Other languages in addition to Spanish may be added in the future, if it is determined that it is necessary to meet the operational needs of the City.

#### **9.13. CALL OUT PAY**

Non-exempt regular full-time employees designated as "call out employees" by their Department Director who are called to perform work after hours, shall be compensated for at least two (2) hours pay at one and one-half (1.5) times the employees hourly rate of pay for each call out occurrence.

#### **9.14. WELLNESS PROGRAM**

The City encourages health and wellness for its employees. As a part of this effort, and as a benefit to employees, the City may pay a portion of monthly health club dues for

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employees that join an approved local health club located in Oakley. Employees must notify Human Resources within seventy-two (72) hours for all changes to membership status or dues level. Employees are responsible for all membership dues or amounts incurred pursuant to their membership less the City's monthly contribution.

The City's payments for this benefit do not qualify for income tax exclusion under Section 132 of the Internal Revenue Code and therefore are taxable income. Taxes are the responsibility of the employee, and for those employees electing to participate in the program, applicable income will be reported and taxes withheld as part of payroll processing.

#### **9.15. PART-TIME EMPLOYEES ELIGIBILITY FOR PRO-RATA BENEFITS**

Regular part-time employees receive employee benefits such as medical, dental, vision, and retirement benefits as do regular full-time employees in the same job classification, but the benefits are pro-rated based on the regularly scheduled work hours as indicated at the time of hire. For example, a regular full-time employee, working 40 hours per work is considered as 100% full-time equivalency, whereas a part-time regular employee, working 20 hours per week is considered 50% of full time equivalency and would receive benefits prorated to 50%. Sick leave, vacation leave, bereavement leave, floating holidays, and holidays are also available to regular part-time employees on a pro-rated basis.

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## **Section 10. Holidays, Vacation, Sick Leave and Other Leaves of Absence**

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### **10.1. HOLIDAYS**

The City observes the following twelve (12) holidays and two (2) floating holidays for use at the employee's discretion

- New Year's Day
- Martin Luther King Day
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans' Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve Day
- Christmas Day
- New Year's Eve Day
- Floating Holidays (2)

All regular and probationary full-time and management employees receive two (2) eight (8) hour floating holidays on January 1 of each year. Regular part-time employees who are eligible for benefits will receive the floating holidays on a pro-rated basis according to her/his work schedule. An employee must use the floating holidays by the end of the calendar year or will forfeit the hours. An employee who is requesting to use her/his floating holidays shall complete and return a Request for Leave form to her/his supervisor for approval.

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Newly hired full-time employees will receive floating holidays based upon the quarter in which they are hired. The hours will be pro-rated according to the following schedule:

<b>MONTH OF HIRE</b>	<b>HOURS</b>
January – March	16 hours
April – June	12 hours
July – September	8 hours
October – December	4 hours

Employees shall be paid for any accrued but unused floating holiday hours at the time of separation of employment.

#### **10.2. HOLIDAY BENEFITS FOR FULL TIME EMPLOYEES**

The City provides regular and probationary full-time and management employees with eight (8) hours of pay for the observed holidays listed in Section 10.1. If a full time employee is working an alternative schedule with days less than eight (8) hours, the employee must use vacation or compensatory time to make up the difference. Alternatively, with supervisory permission, an employee may work the additional time necessary to make up the difference, with approval of her/his Department Director. Overtime will not be paid for this make-up time. In addition, holiday time does not count as time worked for the purpose of calculating overtime eligibility.

#### **10.3. HOLIDAY BENEFITS FOR REGULAR PART-TIME EMPLOYEES**

Regular and probationary part-time regular employees are entitled to receive time off with pay on a pro-rated basis for the holiday, unless scheduled to work at the direction of the City. Holiday pay for regular and probationary part-time employees shall be paid on a pro-rated formula, based on the number of hours per week budgeted for their position during the fiscal year. For example, a regular part-time employee whose position is budgeted to work twenty (20) hours per week will receive one-half of the hours received by regular full-time employees or four (4) hours of paid holiday time (20 divided by 40 = .50 x 8 = 4).

Seasonal part-time and limited term employees that are normally scheduled to work on an observed holiday are provided the day off without pay.

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#### **10.4. WORK PERFORMED ON HOLIDAY**

Employees are expected to observe all City-designated holidays unless job demands require the employee to work.

A regular and probationary full-time employee scheduled to work on a holiday shall be paid at her/his straight time regular hourly pay for actual hours worked, and the eight (8) hours of holiday pay.

Part-time regular employees scheduled to work on a holiday shall be paid at her/his straight time regular hourly pay for actual hours worked, and the actual hours worked of holiday pay.

Seasonal part-time employees who are not eligible for holiday pay, but who are required to work on a holiday will be paid at her/his straight time hourly rate.

#### **10.5. HOLIDAY FALLING ON A WEEKEND OR SCHEDULED DAY OFF**

Generally, if a holiday falls on a Saturday, the City will observe the holiday on the preceding Friday. If the holiday falls on a Sunday, the City will observe the holiday on the following Monday. If the preceding Friday or succeeding Monday is also a holiday, the holiday is observed on the next preceding or succeeding work day, as determined by the City.

If the holiday falls on an employee's regularly scheduled day off, the employee's day off is moved to the next closest work day within the same pay period or another day within the same pay period, with supervisory approval. The employee will still be paid for the holiday.

#### **10.6. RELIGIOUS OR OTHER OBSERVANCES**

An employee who wishes to observe a holiday particular to the employee's ethnicity or religion may do so with approval of the City Manager. The time off shall be charged to vacation, floating holiday, or compensatory time off.

#### **10.7. PAID VACATION LEAVE**

Vacation accruals are calculated on a bi-weekly basis in accordance with the City's pay-period schedule (Monday through Sunday) and are reflected on the employee's paycheck.

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The City recognizes its employees' loyalty and longevity of service by granting an increase in vacation hours at milestone anniversary dates. Regular full-time employee shall be entitled to accrue paid vacation for active completed service according to the following schedule:

<b>YEARS OF SERVICE</b>	<b>VACATION HOURS ACCRUED PER YEAR</b>
Year 0-3	80 hours per year
Year 4-7	120 hours per year
Year 8+	160 hours per year
Year 15+	200 hours per year

The increase in rate of paid vacation accrual is effective on the next pay period following the anniversary of the employee's hire date. For example, if an employee completes three full years of service on July 1 and the next full pay period begins on July 5; the employee will begin accruing the 120 hours per year on July 5.

Regular part-time and probationary employees earn vacation hours on a pro-rated basis.

#### **10.8. ELIGIBILITY FOR VACATION**

There is no waiting period before an employee can request to take accrued vacation time however; vacation hours cannot be used in the pay period within which they are earned. Further, employees may not "borrow" on unearned vacation time.

Each employee requesting vacation time must submit a written request to her/his immediate supervisor for review and approval. The time at which an employee may use her/his accrued vacation leave and the amount taken at any one time shall be determined by her/his Department Director, with particular regard for the needs of the City.

#### **10.9. INITIAL ACCRUALS - CITY MANAGER DISCRETION**

The City Manager may grant up to two weeks of additional vacation leave and sick leave at the time of initial appointment without City Council approval to new employees who enter the City with prior local government experience as necessary to recruit and retain employees.

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**10.10. ELIGIBILITY TO EARN VACATION**

At the discretion of the City Manager, a regular employee will accrue vacation leave while on paid leave, such as sick leave, vacation or non-industrial leave. An employee may not accrue vacation while on any unpaid leave of absence or while on Family Medical Leave.

**10.11. HOLIDAY DURING VACATION**

An employee will not be charged vacation leave for a holiday occurring during the employee's scheduled vacation.

**10.12. ILLNESS DURING VACATION**

Vacation leave may be changed to sick leave if an employee submits a doctor's certificate stating that the employee was ill and unable to work during the employee's scheduled vacation.

**10.13. EARNING AND ACCUMULATING VACATION LEAVE**

The City provides vacation leave to encourage employees to take time away from work on a regular basis. For this reason, employees may earn and accumulate vacation leave up to a maximum of two and one-half (2.5) times the amount of the annual accrual of the employee:

**10.14. MAXIMUM AMOUNT OF ACCRUAL**

Year 0-3	200 hours maximum
Year 4-7	300 hours maximum
Year 8+	400 hours maximum

Any hours accrued above this maximum as of December 1 of any given year will be paid to employee at the next full pay period following December 1.

**10.15. VACATION BUYBACK**

Employees are eligible to exchange up to 40 hours of accrued vacation for a lump sum payment at the employee's current salary rate twice each fiscal year as follows:

- a. The lump sum payments will occur in conjunction with the last pay period for March and for October of each year.

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- b. Although there is no qualifying period to be eligible to exchange vacation for pay in March or October, the employee must have reached his/her three-year anniversary date in order to be eligible to exchange vacation pay.
  - c. The employee desiring to exchange vacation leave has taken at least two weeks (the equivalent of ten 8-hour working days) off from work during the previous twelve months. This leave can be in the form of vacation, compensatory time off, or management leave. Use of sick leave or leave without pay does not satisfy this program requirement.
  - d. The employee, after the requested exchange of vacation leave, will still have at least one-hundred and twenty (120) hours of vacation leave remaining.

#### **10.16. HARDSHIP REQUEST**

In the event that an employee, eligible for vacation accrual, experiences a financial hardship due to circumstances beyond their control, they may submit a request to the Human Resources Department to receive cash payment of accrued vacation at any time during the year. The Hardship Request form is available in the Human Resources Department. Examples of qualifying hardship requests include unexpected legal expenses, unbudgeted medical expenses not covered by other means, or any unforeseen situation that would necessitate a hardship request.

In order to keep hardship requests and the circumstances surrounding such a request as confidential as possible, all hardship requests will be reviewed in the following manner:

1. The employee submits a completed Hardship Request form to Human Resources.
2. The Human Resources Department will obtain an updated copy of the employee's absence schedule from payroll to verify the number of vacation hours available. The employee must still have at least one-hundred and twenty (120) hours of vacation leave remaining to be eligible for a Hardship Request.
3. If clarification is necessary, Human Resources will contact the requesting employee to obtain additional information.
4. A request that meets the qualifications described above will be reviewed by Human Resources and then presented to the City Manager with a recommendation for denial or final approval.

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5. The employee will receive a response regarding the status of their request within five (5) working days from the date it is received by Human Resources.
  6. The approved request will be delivered to payroll. A check will be prepared within three (3) business days.

#### **10.17. REGULAR PART-TIME EMPLOYEE VACATION LEAVE BENEFIT**

Regular part-time employees, who are eligible for benefits, accrue vacation leave on a pro-rata basis, depending on the number of hours worked. Seasonal part-time employees do not accrue vacation leave.

#### **10.18. PAID MANAGEMENT LEAVE**

In addition to paid vacation leave, full-time FLSA exempt management employees receive 80 hours of paid Management Leave as outlined in Section 8.13 of this Manual.

#### **10.19. SICK LEAVE**

Sick Leave is an “insurance” to be used if an employee or their family member becomes ill and not an “entitlement” benefit such as vacation. Sick leave shall be used only as permitted in this Manual. Abuse of the sick leave benefit, as described in this Manual, is grounds for disciplinary action, up to and including termination.

##### **10.19.1. Sick Leave Notice**

An employee must notify her/his immediate supervisor prior to the beginning of any working shift, which the employee will not report for work and for which she/he desires to use sick leave.

An employee is to request prior authorization for any absence due to attendance at any medical appointment. For the purpose of this section, “request prior authorization” shall mean that the employee has notified her/his supervisor with at least one (1) workday’s advance notice.

##### **10.19.2. Eligibility**

All regular and probationary full-time and part-time employees shall be eligible to accrue sick leave benefits. Employees working in a seasonal or temporary part-time capacity

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are not eligible to accrue sick leave benefits. There is no waiting period to utilize sick leave; however, sick leave hours cannot be used within the pay period, which they were earned. Further, employees may not “borrow” on unearned sick leave.

### **10.19.3. Accrual**

Regular full-time employees earn 3.69 hours per pay period. All part-time regular employees accrue sick leave in the amount proportionate to the ratio of scheduled hours of work per week to the standard workweek, but in no case does the number of sick leave hours accrued each pay period exceed 3.69 hours.

Sick leave is earned during any paid leave of absence, but it is not earned during any unpaid leave of absence, or during Family Medical Leave. Employees that are off of work due to illness or injury shall not accrue sick leave once they begin to receive disability benefits or are no longer receiving wages through payroll, beginning with the first full pay period that they are off payroll, unless otherwise required by law.

### **10.19.4. Sick Leave at Separation**

Sick leave is forfeited and not cashed out upon separation from employment, unless an employee has completed five (5) years or more with the City at the date of separation and then fifty percent (50%) of the value of accrued sick leave will be paid to the employee at separation. If an employee is retiring at separation, the cash payment for sick leave may be disbursed to the retiring employee through a lump sum cash payment that is deposited into the employee's deferred compensation account (as allowed under terms and conditions of the plan and Internal Revenue Service regulations), used as a payment to CalPERS to buy service time, if eligible, placed in a retiree health savings account, or a combination of these options, at the election of the employee.

### **10.19.5. Earning and Accumulating Sick Leave**

An employee may accrue seven hundred and twenty (720) hours of sick leave. Once the accrual maximum is reached, the employee can earn no other paid sick leave until the accrual balance is reduced.

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#### **10.19.6. Use of Sick Leave**

Sick leave shall be requested only in cases of actual personal sickness, injury, (or disability; medical, dental or optical appointment, or as otherwise authorized by state or federal law. In compliance with California law, up to one-half of the employee's annual sick leave accrual may be used for the employee to care for, or obtain care for the employee's spouse, child, domestic partner, or parent. In very rare and extenuating circumstances, the City Manager may consider granting permission to employees who request to use more than half of their annual sick leave accrual to care for an employee's immediate family.

An employee shall have her/his accumulated sick leave balance reduced by an amount equal to the number of hours of sick leave for which pay is received.

#### **10.19.7. Abuse of Sick leave**

The City of Oakley provides a generous amount of sick leave hours and encourages employees to use these hours wisely and maintain a comfortable number of hours available for unforeseen situations. The City considers the abuse of sick leave as a serious offense and evidence substantiating use of sick leave for willful injury, gross negligence, intemperance, or any instances of misrepresentation will result in disciplinary action, up to and including termination from employment.

Other examples of abuse of sick leave include the following:

- Failure to notify supervisor of medical absence
- Failure to provide physician's verification when required
- Fraudulent physician verification
- Use of sick leave for that which it was not intended or provided
- Continued pattern of maintaining zero or near zero leave balances or seeking approval of leave without pay because sick leave accrual has been exhausted
- Pattern of abuse, for example, the routine use before, and/or after holidays; before, and/or after weekends or regular days off; after pay days; of any one specific day; following overtime worked; frequent use of half days; and/or any routine use of any combination of the above.

The City of Oakley maintains minimum staffing levels and excessive absenteeism creates a negative impact on the workplace by disrupting work schedules, increasing

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overtime costs, leaving projects incomplete, decreasing organizational efficiency, moving additional work upon others, and creating an overall negative morale within the organization.

#### **10.19.8. Notice and Confirmation**

In order to receive sick leave compensation, employees who are requesting sick leave shall notify their Department Director or supervisor prior to her/his reporting time to work as soon as she/he is aware that they will be unable to report to work. Failure to reasonably do so, or otherwise comply with the sick leave benefit provisions of this Manual, may be grounds for denial of such sick leave with pay.

#### **10.19.9. Proof of Illness/Injury**

The City Manager, or designee, may require evidence in the form of a physician or doctor's certificate, or other evidence to support a claim for sick leave pay. An employee may be required to provide a health care provider's statement verifying the employee's absence from work in the following instances:

- When an employee returns to work after three (3) days of absence on sick leave
- Frequent use of sick leave
- When a pattern of sick leave use has been identified
- When a supervisor has reason to believe that sick leave is being abused
- Release to Return to Work

The employee may be required by her/his Department Director or the Human Resources Department to submit a statement/certificate from the attending physician or dentist stating that the employee is or was incapacitated and unable to perform her/his duties, and attest to the employee's ability to resume work. In the event that the employee is not released to full duty, a written statement is required that specifically defines the employee's limitations. The City has the right to determine whether or not it has meaningful modified work for the employee to conduct based on her/his work restrictions and the duration that such work, if any, is available.

If the employee has a disability covered under the Americans with Disabilities Act (ADA), the City will enter into an interactive discussion with the employee in an attempt to comply with any reasonable accommodation requested or reasonable alternative

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accommodation that does not create an undue hardship for the City. The City reserves the right to get a second medical opinion, at the City's expense, regarding the employee's ability to return to work and/or any reasonable accommodation requested.

#### **10.19.10. Sick Leave Donation Program for Catastrophic Circumstances**

With the City Manager's written approval an employee may be eligible to receive donations of up to four-hundred eighty (480) hours of paid sick leave. The employee may must have suffered a catastrophic illness or injury which prevents her/him from being able to work, and only if the employee is in good standing. The donated hours will be added to an employee's sick leave "bank", if exhausted.

A catastrophic illness or injury is defined as a medically certified illness, injury impairment, or physical condition that prevents an eligible employee from returning to work for a period of 60 or more calendar days.

#### **10.19.11. Rules of Sick Leave Donation Program**

- An employee is not eligible to receive sick leave donations if she/he is currently receiving workers' compensation, short-term or long-term disability benefits.
- An employee using donated sick leave accrues no sick leave or other leave accruals; however, other benefits, such as insurance and participation in the CalPERS defined benefit plan, will continue to be provided to the employee while utilizing donated sick leave.
- Donated leave will be counted as sick leave, but shall never be converted into a cash benefit.

#### **10.19.12. Donation Guidelines**

An Employee may donate sick leave if the donating employee:

- Voluntarily elects to donate sick leave and does so with the understanding that donated leave will only be returned if not used by the affected employee within ninety (90) days of the donation;
- Donates a minimum of eight hours;
- Retains a combined leave balance (vacation and sick) of at least one-hundred sixty (160) hours;

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- Donates time in one (1) hour increments. For every one (1) hour of sick leave time donated by the donor, the recipient will be credited with one (1) hour of sick leave. The pay levels of the two employees shall not affect the transaction

### **10.19.13. Donations are Voluntary**

The City Manager shall respect an employee's right to privacy, however, she/he may, with the permission of the employee who is in need of leave, inform employees of their co-worker's critical need for sick leave hours. The City Manager or any other employee shall not directly solicit leave donations from employees. The donation of leave shall occur on a strictly voluntary basis.

### **10.20. MEDICAL TERMINATION**

If during an employee's leave of absence, it is medically determined that the employee's condition is permanent and that the employee will not be able to perform the essential functions of her/his job (or in any other alternate available position within the City for which the employee qualifies and where a position is available), the City and/or the employee may choose to process an application for non-industrial disability retirement and the employee will separate from employment with the City. If it is determined that an employee is unable to return to work after a six-month period of absence, the City Manager may choose to separate the employee from City employment.

### **10.21. FAMILY MEDICAL LEAVE ACT AND CALIFORNIA FAMILY RIGHTS ACT**

It is the policy of the City of Oakley to provide family care and medical leave to eligible employees in accordance with the federal Family and Medical Leave Act of 1993 (FMLA) and the California Family Rights Act of 1994 (CFRA). If you are eligible, and the leave you have requested pursuant to the City's policy qualifies as family care and medical leave, all eligible employees shall be entitled to take up to twelve (12) weeks of unpaid, job-protected leave during any twelve (12) month period for specified family and medical reasons.

#### **10.21.1. Covered Family and Medical Reasons**

An eligible employee shall be entitled to take up to twelve (12) weeks of unpaid leave during a twelve (12) month period for one or more of the following reasons:

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- The birth or placement of a child for adoption or foster care
  - To care for an immediate family member (spouse, domestic partner, child, or parent) with a serious health condition
  - To take medical leave when the employee is unable to work because of a serious health condition. A serious health condition shall be defined as an illness of a serious and long-term nature resulting in recurring or lengthy absences. Treatment of such an illness would occur in an inpatient situation at a hospital, hospice, or residential medical care facility, or would consist of continuing care provided by a licensed health care provider

Disabilities due to pregnancy or pregnancy-related conditions are covered under FMLA, but not the CFRA. In California, pregnancy and pregnancy-related disabilities are covered under the Pregnancy Disability Leave Act (PDL). For additional information, please see **Section 10.22 Pregnancy Disability Leave Act (PDL)**.

#### **10.21.2. Employee Eligibility**

An employee shall be entitled to family leave when she/he meets the following criteria:

- The employee has worked for at least twelve (12) months for the City. The twelve (12) months need not have been consecutive. (If the employee was on the payroll for part of a week, the City will count the entire week. The City considers fifty-two (52) weeks to be equal to twelve (12) months.
- The employee has to have worked for the City for at least one-thousand two hundred fifty (1,250) hours over the twelve (12) months immediately preceding the commencement of the leave
- When both spouses are employed by the City, they are jointly entitled to a combined total of twelve (12) work weeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent who has a serious health condition

#### **10.21.3. FMLA Coordination with CFRA and Other Leaves**

Leave granted under the FMLA runs concurrently with CFRA, California Pregnancy Disability Leave, Workers' Compensation and other leaves as appropriate and sanctioned by law.

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In unusual circumstances, leave beyond the 12 work weeks granted under FMLA and CFRA may be available in accordance with the City's leave policies and other state and federal laws.

#### **10.21.4. City Designated FMLA/CFRA Leave**

Even when an employee does not specifically request family and medical leave under FMLA or CFRA, the City may designate time away from work as FMLA and CFRA after three days of absenteeism if the leave meets the requirements outlined in this policy as outlined by state and federal law.

#### **10.21.5. Calculation of Leave**

Eligible employees can use up to twelve (12) weeks of leave during any twelve (12) month period. The City will use a rolling twelve (12) month period measured backward from the date an employee uses any FMLA leave. Each time an employee uses leave, the City computes the amount of leave the employee has taken under this policy, subtracts it from the twelve (12) weeks, and the balance remaining is the amount the employee is entitled to take at that time. For example, if an employee has taken five (5) weeks of leave in the past twelve (12) months, the employee could take an additional seven (7) weeks under this policy.

#### **10.21.6. Maintenance of Benefits**

An employee shall be entitled to maintain group health, dental, and vision insurance benefits (if any) on the same basis as if she/he had continued to work for the City. To maintain uninterrupted coverage, the employee will have to continue to pay her/his share of insurance premium payments, if any. This payment shall be made either in person or by mail to the Finance Department by the fifteenth (15<sup>th</sup>) day of each month. The coverage will be dropped by the City if the employee's payment is more than 30 days overdue.

If the employee informs the City that she/he does not intend to return to work at the end of the leave period the City's obligation to provide health, dental and vision insurance benefits (if any) ends. If the employee chooses not to return to work, the City will

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require the employee to reimburse the City the amount the City contributed towards the employee's health, dental, and vision insurance benefits (if any) during the leave period.

If the employee contributes to a life insurance or disability plan, the City will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the City will require that the employee continue to make those payments. If the employee does not continue these payments, the City will recover the payments at the end of the leave period, in a manner consistent with the law.

No sick leave, vacation, floating holiday, or administrative leave shall accrue to the employee during any time in which the employee is on FMLA/CFRA leave that is unpaid. Holidays, as identified in Section 10.1 of this Manual, shall be paid and no other leave will be required to be used for holidays that occur while an employee is on FMLA/CFRA leave; however, holidays do count in the calculation of the twelve (12) weeks of FMLA/CFRA leave.

#### **10.21.7. Job Restoration and Return to Work**

Under federal law (FMLA) and state law (CFRA) you must be reinstated to the same position you had prior to taking the leave, or to an equivalent position provided that you return to work immediately following the conclusion of family and medical leave. If your position is unavailable (for example, due to a temporary or indefinite layoff), you have no greater right to reinstatement than had you been continually employed during the FMLA leave period. You are not entitled to reinstatement if your appointment end date occurs before your scheduled return date from family care and medical leave.

As a condition of returning to work, an employee must provide a certification from her/his health care provider verifying her/his ability to return to work, including any work restrictions. Failure to return to work on the date the employee indicated on the FMLA/CFRA request form (if not extended) may result in disciplinary action up to and including termination. Failure to return to work after the exhaustion of all twelve (12) weeks of FMLA/CFRA leave may result in immediate termination, at the discretion of the City Manager.

The City may choose to exempt certain highly compensated, "key" employees from the job restoration requirement and not return them to the same or similar position at the completion of FMLA/CFRA leave. Employees who may be exempted will be informed of this status when they request leave. If the City deems it necessary to deny job

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restoration for a key employee on FMLA/CFRA leave, the City will inform the employee of its intention and will offer the employee the opportunity to return to work immediately.

#### **10.21.8. Use of Paid and Unpaid leave**

If the employee has accrued paid leave available, then the employee shall use paid leave first and if insufficient to cover the entire FMLA/CFRA absence in full, the balance of the leave shall be in an unpaid status. If an employee uses leave because of her/his own serious medical condition or the serious health condition of an immediate family member, the employee shall first use all sick leave, paid vacation, or compensatory time off, administrative leave, and other available paid leaves, and then will be eligible for unpaid leave.

An employee using leave for the birth of a child will use paid sick leave for physical recovery after childbirth. The employee then shall use all paid vacation, compensatory time off, administrative leave, and other available paid leaves, and then will be eligible for unpaid leave for the remainder of the twelve (12) weeks. An employee using leave for the adoption or foster care of a child shall use all paid vacation, compensatory time off, administrative leave, and other available paid leaves, and then will be eligible for unpaid leave for the remainder of the twelve (12) weeks. The use of sick leave is not permitted.

#### **10.21.9. Intermittent Leave and Reduced Work Schedules**

In certain cases, intermittent use of the twelve weeks of FMLA/CFRA or a reduced workweek may be allowed by the City. Employees wishing to use leave intermittently or to utilize a reduced workweek for birth or adoption purposes will need to request and gain approval for such use from the employee's Department Director and the City Manager.

Employees may also use FMLA/CFRA intermittently, or as a part of a reduced workweek whenever it is medically necessary. If the need to use leave is foreseeable and based on preplanned and prescheduled medical treatment, the employee is responsible to schedule the treatment in a manner that does not unduly disrupt the City's operations. This provision is subject to the approval of the health care provider. In some cases, the City may temporarily transfer an employee using intermittent or a

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reduced workweek to a different job with equivalent pay and benefits if another position would better accommodate the intermittent or reduced schedule.

#### **10.21.10. Procedure for Requesting Leave**

All employees requesting leave under this policy must complete the Family Medical Leave form available from the Human Resources Department. When an employee plans to take leave under this policy, the employee must give the City 30 days notice. If it is not possible to give 30 days notice, the employee must give as much notice as is possible. If the situation was unforeseen, the employee must submit a leave request form within the first three (3) days of missed work. While on leave, employees are requested to report on a monthly basis to the City regarding the status of the medical condition and her/his intent to return to work.

#### **10.21.11. Procedure for Notice & Certification of Serious Health Condition**

The City may require the employee to provide certification of an employee's or immediate family member's serious health condition by a qualified health care provider. The employee should respond to such a request within five (5) working days of the request, or provide a reasonable explanation for the delay. Qualified health care providers include: doctors of medicine or osteopathy, podiatrist, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners and nurse-midwives authorized to practice under State law and performing within the scope of their practice under State law.

When seeking certification of a serious medical condition, an employee should ensure that the certification contains the following:

- Date when the condition began and expected duration.
- If employee is seeking medical leave for her/his own medical condition, certification should also include a statement that the employee is unable to perform the essential functions of the employee's position.
- For a seriously ill family member, the certification should include a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.
- If taking intermittent leave, or working a reduced schedule, certification should

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include dates and duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

If deemed necessary, the City may ask for a second opinion. The City will pay for the employee to get a certification from a second doctor, which the City will select. If there is a conflict between the original certification and the second opinion, the City may require the opinion of a third doctor. The City and the employee will jointly select the third doctor, and the City will pay for the opinion. The third opinion is considered final.

#### **10.21.12. Return to Work**

Except as provided by law, the employee will return to the same position she occupied when the leave commenced or, if the position is no longer available, the employee will return to a comparable position, if one is available. As a condition of returning to work, an employee must provide a certification from her health care provider verifying her ability to return to work, including any work restrictions. If the employee fails to return to work within three (3) days after the approved leave expires, the employee will be considered to have voluntarily resigned employment.

### **10.22. PREGNANCY DISABILITY LEAVE**

#### **10.22.1. Eligibility and Leave Purposes**

An employee who is disabled due to pregnancy, childbirth, or related medical condition may request an unpaid pregnancy disability leave. There is no length of City service requirement before an employee disabled by pregnancy is entitled to a pregnancy disability leave. An employee is “disabled” if, in the opinion of her health care provider, she is unable due to pregnancy to work at all, or is unable to perform any one or more of the essential functions of her job, or to perform these functions without undue risk to herself, the successful completion of her pregnancy, or to other persons. An employee is also considered to be “disabled” if she is suffering from severe morning sickness or needs to take time off for prenatal care.

#### **10.22.2. Duration of Leave**

Subject to the conditions of this policy, eligible employees may take a maximum of four (4) months of pregnancy disability leave as defined by law. Leave granted under the

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PDL runs concurrently with FMLA and other leaves as appropriate and sanctioned by law. While pregnancy disability leave counts against the amount of leave required to be provided under the FMLA, it does not count under the California Family Rights Act (CFRA). As a result, the employee still may be eligible for an additional twelve (12) weeks of leave under the CFRA. Leave may be taken intermittently or on a reduced work schedule if the employee's health care provider determines that it is medically advisable for the employee to take such leave. Intermittent leave may also be taken for prenatal care appointment and for morning sickness.

### **10.22.3. Requirements Regarding the Use of Paid Leave**

The employee must use accrued sick leave (if any) during a pregnancy disability leave for any portion of the leave that is otherwise unpaid. After the employee's sick leave is exhausted, she may elect to use accrued vacation time, compensatory time and administrative leave (if any) in order to continue to receive pay during the leave.

### **10.22.4. Notification Requirements**

An employee requesting pregnancy disability leave must provide proper notification to the Human Resources Department. If the leave is foreseeable, the employee must provide notice at least 30 days before the leave is needed. If 30 days advance notice is not practicable or the need for the leave is not foreseeable ((i.e., a lack of knowledge of when leave will be required, a change in circumstances, or a medical emergency), notice must be given as soon as practicable.

A failure to comply with these notification requirements may result in a denial or postponement of the requested leave until the employee complies with these provisions. However, if the need for pregnancy disability leave results from an emergency or is otherwise unforeseeable, the leave will not be denied for failure to provide advance notice.

### **10.22.5. Certification by Health Care Provider**

Employees must provide the Human Resources Department with a certification issued by the employee's health care provider verifying the need for the leave, the date leave is to begin, and its expected duration.

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#### **10.22.6. Benefits, Transfers, Job Restoration and Return to Work while taking Pregnancy Disability Leave**

Matters of benefits, transfers, job restoration, and return to work shall be under the same terms and conditions as the City's Family Medical Leave policy found in this Manual.

#### **10.23. DOMESTIC VIOLENCE LEAVE**

Employees may take domestic violence leave pursuant to California Labor Code 230.1. An employee must provide reasonable advance notice to the Human Resources Department of the employee's intention to take time off for domestic violence leave, unless the advance notice is not possible.

If the appointment is unscheduled, or the leave is taken to respond to an emergency or crisis, the employee will be required to provide the Human Resources Department with written documentation of her/his status as a domestic violence victim within a reasonable time after the absence from work. The written documentation will be kept confidential, and can be any of the following:

- A police report indicating that the employee is a domestic violence survivor;
- A court order protecting or separating the employee from the batterer, or other documentation from the court or the prosecuting attorney that the employee has appeared in court; or documentation from a medical professional, domestic violence advocate, health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse caused by domestic violence.

This Domestic Violence Leave Policy does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave time permitted by the City's Family Medical Leave Act Policy

#### **10.24. BEREAVEMENT LEAVE**

A regular, full-time or management employee is allowed a leave of absence with pay not to exceed three (3) working days per calendar year in the case of the death of a member of the employee's immediate family. Immediate family is defined as spouse, domestic partner, child, child of a domestic partner, stepchild, brother, stepbrother, sister, stepsister, parent, step-parent, mother-in-law, father-in-law, or any other person

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serving as a parent, grandmother, grandfather, or any other person living in the same household as the employee or an immediate family member of the employee's spouse. Any additional days of absence must be approved by the City Manager and may be charged to sick leave, vacation time or compensatory time.

## **10.25. COURT APPEARANCES**

### **10.25.1. Jury Duty**

Employees who are summoned for jury duty shall be granted leave for this purpose upon presentation of the jury notice to the supervisor or City Manager. Employees are to notify their supervisors of the jury duty notice as soon as possible in order to minimize any disruption of work.

Employees who are released from jury service before the end of their regularly scheduled shift or who are not asked to serve on a jury panel are expected to call their supervisor as soon as possible and report to work, if feasible.

An employee who is summoned for jury duty is entitled to receive full pay if she/he remits to the City all compensation received for jury duty. Compensation for mileage is not considered compensation for jury duty.

### **10.25.2. Personal Court Appearances/Depositions**

If an employee is required to appear in court or at depositions for personal or non-work related reasons, must notify her/his supervisor immediately and present any relevant documentation, such as a subpoena. Employees are expected to return to work as soon their court appearance is completed. Vacation or compensatory time off must be used for this purpose.

### **10.25.3. Job-Related Court Appearances**

If an employee is required to appear in court or at depositions for work-related cases, she/he will be compensated for her/his time spent for this purpose.

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## **10.26. PARENTAL PARTICIPATION LEAVE**

Pursuant to California Labor Code 230.8, employees who are the parent, guardian, or grandparent with custody of one or more children in kindergarten, grades 1-12, inclusive, or a licensed day care center may request to take time off to participate in activities of the school or licensed child day care facility of any of her/his children, if the employee, prior to taking the time off, gives reasonable notice to their supervisor or the City Manager. Employees shall utilize their existing vacation time or other accrued paid time off. This leave is limited to eight (8) hours each calendar month, not to exceed 40 hours per calendar year.

The Department Director may require the employee to provide documentation from the school or day-care facility that the employee participated in a school activity on a specified date and a specified time.

Employees wishing to take leave for a child's school activity and, who have exhausted their vacation or other accrued leave must request leave without pay and gain the approval from the City Manager or designee for the planned absence.

## **10.27. COMPULSORY LEAVE – FITNESS FOR DUTY**

### **10.27.1. General Policy**

If, in the opinion of the Department Director, an employee is unable to perform the duties of her/his position for physical or psychological reasons, the Department Director shall refer that employee to the City Manager. The City Manager shall have the authority to require the employee to be examined by a physician or other competent authority at the City expense to determine the employee's fitness for duty. If the examination report finds the employee to be in an unfit condition to perform the duties required of the position, the City Manager shall have the right to compel the employee to take sufficient leave of absence. If the examination report finds the employee to be fit for duty, the employee shall return to work without loss of pay or benefits. The City Manager may request a fitness-for-duty examination and repeat examinations as necessary to safeguard the employee and coworkers. Specific reasons for the fitness-for-duty request must be stated by the requesting official.

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### **10.27.2. Fitness-for-Duty Examinations**

The fitness-for-duty examination is a medical assessment the results of which determine an employee's ability to perform the duties of the position. All results are strictly confidential.

### **10.28. VOTING**

The City encourages each of its employees to perform her/his civic duty and vote. An employee who needs time off from work in order to vote, should notify her/his supervisor or the City Manager within at least three (3) working days in order to make the necessary arrangements to allow the employee to take time off to vote. Employees are encouraged to vote by absentee ballot.

### **10.29. MILITARY LEAVE OF ABSENCE**

Employees who require time off from work to fulfill military duties will be treated in accordance with applicable requirements of State and Federal laws. An employee granted military leave shall give the City Manager a copy of the orders calling him/her to military duty, which will be filed in the employee's personnel file. The military leave of absence will be computed as part of the employee's service with the City, except that an employee who takes a military leave of absence before the completion of her/his probationary period shall be required to complete the remaining probationary period upon return to employment. As outlined by law, upon return, the employee shall be reinstated to a position in the same classification or a classification with equivalent status, pay, benefits and other employment terms, if she/he returns to work following the military leave of absence.

The Uniformed Services Employment and Reemployment Rights Act (USERRA) protect the job rights of individuals who voluntarily or involuntarily leave employment to undertake military service or certain types of service in the National Disaster Medical System. USERRA prohibits employers from discriminating against past and present members of the uniformed services and applicants to the uniformed services. The USERRA provides for reemployment rights, the right to be free from discrimination and retaliation, and health insurance protection.

Except in cases of emergency, employees must provide notice to their supervisor or the Department Director prior to utilizing leave under this policy.

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### **10.30. LEAVE WITHOUT PAY**

Any leave without pay must be approved by the City Manager based on the operational needs and the best interests of the City. Such leave is not a right, but a privilege. Employee must make a written request stating the date of leave, the reason for the leave and the estimated duration of the leave.

Requests for use of leave without pay will not be approved if an employee has applicable leave hours available to cover the absence.

Benefits such as vacation or sick leave will not accrue during any leave without pay. Except for as provided elsewhere in this Manual, benefits such as health, dental, vision insurance and retirement contributions may not accrue during leave without pay, at the City Manager's discretion.

### **10.31. UNAUTHORIZED LEAVE WITHOUT PAY**

An employee is on unauthorized leave without pay may be subject to discipline up to and including termination. Cause for disciplinary action shall include, but is in no means limited to, any of the following:

- Employee who is absent and has no leave to cover the absence;
- Non-permanent employees (e.g., external interims, intermittent, student help, and college interns) are ineligible for any benefits, including but not limited to leave benefits. All non-permanent employees must notify and receive approval from her/his supervisor or Department Director in advance for all absences from work. Any non-permanent employee who is absent without proper authorization of leave without pay may be subject to discipline, up to and including termination.

#### **10.31.1. Unauthorized Leaves of Absence**

Unauthorized leaves of absence include, but are not limited to the following situations:

- Failure to return to work after authorized leave of absence within the time specified

Failure of an employee to return to work upon the termination of an authorized leave of absence is cause for termination.

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### 10.32. **UNAUTHORIZED ABSENCE FROM WORK**

Whenever an employee is absent from work during her/his regular shift without permission or without advance notification to her/his supervisor, it shall be reported as an unauthorized leave of absence. Such unauthorized absence shall be considered as unpaid time off and the amount equal to the time the employee was absent without pay will be deducted from the employee's pay to the extent provided for by law. Without extenuating circumstances, an unauthorized leave of absence is grounds termination of employment.

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## **Section 11. Employee Conduct**

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### **11.1. EMPLOYEE CONDUCT**

The City's goal is to provide responsive and high quality public services in partnership with our citizens celebrating our community's rich history, cultural diversity, and pride in its prosperous future. This requires employees to take pride in their work and to ensure personally that all members of the public, as well as co-workers, receive timely, efficient and courteous responses to their needs. Accordingly, the highest standards of professional conduct are considered essential for all employees. City employees are committed to be POLITE, PROFESSIONAL and PROGRESSIVE.

### **11.2. PERSONAL APPEARANCE**

The City strives to be a quality and well-respected organization that serves the needs of its community in a professional manner. City employees have the opportunity to reinforce this expectation by their appearance, by their actions, and by their accomplishments. The City believes in the intelligence, pride, and good taste of its employees and, as such, chooses not to impose a strict dress code. Employees are expected to demonstrate a demeanor and appearance that is professional, businesslike, neat, and clean as determined by the requirements of the area in which the employee works. Provocative, suggestive, or other inappropriate and/or offensive attire, as determined by the City Manager, is not acceptable.

#### **11.2.1. Casual Friday**

To recognize the hard work and dedication of City employees, the City has established Fridays as "Casual Dress Days." Employees should exercise good judgment and common sense when dressing casually and according to the provisions of this Manual. The City Manager may at her/his sole discretion, start, stop, or otherwise regulate "Casual Friday."

### **11.3. SERVICE OF PROCESS**

No employee, except those specifically designated, should accept service on behalf of the City of any legal documents pertaining to work-related cases. Any such documents received should be immediately turned over to the City Clerk.

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#### **11.4. OFF-DUTY SOCIAL AND RECREATIONAL ACTIVITIES**

The City may sponsor social or recreational activities for its employees. Employee attendance at these social activities is voluntary and is not work-related. Neither the City nor its insurer will be liable for the payment of worker's compensation benefits for any injury that arises out of an employee's voluntary participation in any off-duty recreational, social, or athletic activity that is not part of the employee's work-related duties.

#### **11.5. PUBLIC EMPLOYEES AS DISASTER SERVICE WORKERS**

Government Code Section 3100 et seq. declares public employees as disaster service workers and requires employees to report to work (and if not possible, then to the next closest public employer) following the effects of natural, manmade, or war-caused emergencies. The City shall establish and maintain a method, or methods, of informing employees of their disaster service worker status. Employees who fail, without good cause, to honor their obligations as disaster service workers shall be subject to disciplinary action up to and including termination.

#### **11.6. SMOKING**

Smoking is not permitted in any City facility. Smoking and the use of any tobacco products while in or operating any City-owned or City-leased vehicle is not permitted in accordance with California State Labor Code 6404.5.

##### **11.6.1. AB 846 Statewide Smoke-Free Entryway Law**

Employees are prohibited from smoking within 20-feet of main entrances, exits and operable windows of all City buildings.

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## **Section 12. Employee Relations**

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### **12.1. EMPLOYEE RELATIONS PHILOSOPHY**

The City is dedicated to positive employer/employee relations. The City will strive to maintain good working conditions, competitive wages and benefits, open communication, and employee involvement. The City encourages all employees to report any problems, concerns, ideas or suggestions for improvement to her/his supervisor or to the City Manager. The City is very receptive to employee concerns and is always looking for ways to make the City a better place to work.

### **12.2. EMPLOYEE CONCERNS**

The City strives to promote open discussions regarding any problems or concerns that employees may have with their jobs or their working environment.

Employees are required to follow the “chain of command” and any employee who has a concern is to discuss the concern first with her/his supervisor and Department Director. If the supervisor and/or Department Director are unable to resolve the problem to the employee’s satisfaction, the employee should direct her/his concerns to the City Manager, either in person or in writing. The City Manager shall make the final decision regarding all problems and concerns raised by employees.

#### **12.2.1. Procedure**

In almost every circumstance an employee should follow the “chain of command” as outlined in Section 12.2 of this Manual; however, if for good cause an employee feels uncomfortable about reporting a matter of concern to his/her immediate supervisor, Department Director, the Human Resources Department, or City Manager, then the employee should report directly to a member of the City’s “Collective Risk Management Team.” If for good cause the individual feels uncomfortable about reporting the matter to the City’s “Collective Risk Management Team,” then the individual should report through the “Employee Reporting Line.” This number is currently 1-800-576-5262 and will be posted in the Employee Break Room. The names of the members of the CRMT will also be posted.

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### **12.3. COLLECTIVE RISK MANAGEMENT TEAM (CRMT)**

A team of at least three employees will be appointed by the City Manager to be available to review, investigate, and evaluate any workplace liability risk or wrongdoing, such as employee safety, theft, harassment, discrimination, etc. The CRMT will recommend to the City Manager appropriate corrective courses of action.

#### **12.3.1. CRMT Activities**

The CRMT receives any reports of alleged workplace wrongdoing, and categorizes the complaint into the type or types of wrongdoing, appropriately assigns the complaint to either an internal or external individual for investigation, and receives notification from the investigator that an investigation has been completed and that the investigator has notified the appropriate individuals (typically expected to be the Human Resources Department and the Department Director) as to the results of the investigation. The CRMT is to maintain confidentiality of the allegation(s) of wrongdoing, investigation(s) and investigative report(s). Discussions are to occur with and among only those individuals who have a legitimate business need to know.

### **12.4. EMPLOYEE GRIEVANCE**

Employees shall have the right to present a grievance concerning matters for which an appeal or grievance procedure is not otherwise provided, or an appeal or grievance is not otherwise prohibited, pursuant to this Manual, or other official City policy or procedure. If another appeal or grievance procedure is applicable to the subject matter of a particular grievance, then the other appeal or grievance procedure shall supersede the grievance procedure set forth here. Concerns regarding Management Rights as defined herein are not subject to the grievance procedure. Similarly, the grievance resolution procedures do not apply to performance evaluations, performance-based salary determinations, or disciplinary matters.

#### **12.4.1. Reporting Time Limitation**

An employee who wishes to initiate the grievance process must bring the grievance to the attention of her/his Department Director within ten (10) calendar days after the

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grievant knew, or reasonably should have known, of the circumstances which form the basis for the grievance. Failure to do so will render the grievance null and void.

#### **12.4.2. Informal Resolution Procedure**

To initiate informal discussion of a grievance, the employee shall provide the Department Director with a written description of the circumstances causing the grievance within the timeframe set forth in Section 12.4.1 and must indicate that in the written description that the matter is being pursued as a grievance as outlined in this Manual. Within ten (10) calendar days after the receipt of the grievance, the Department Director and the employee shall discuss the grievance and attempt to identify a resolution of the perceived problem. Within ten (10) calendar days after the meeting, the supervisor shall provide the grievant with a written memorandum of the meeting, stating the resolution identified, if any. Employees must complete the informal resolution process prior to submitting a formal grievance.

#### **12.4.3. Formal Grievance Procedure**

If the employee and supervisor are unable to resolve the grievance by the informal resolution procedure, the employee may request formal resolution of the grievance.

#### **12.4.4. Written Grievance**

A written grievance shall be submitted within ten (10) calendar days of the completion of the informal resolution process to the Human Resources Department, with a copy to the employee's Department Director. The grievance shall contain the following information:

- A description of the specific grounds of the grievance, including names, dates and places necessary for a complete understanding of the grievance;
- A listing of the provisions of City Rules, ordinances, policies and/or procedures which are alleged to have been violated;
- A listing of the reasons why the immediate supervisor's proposed resolution of the problem is unacceptable; and
- A listing of specific actions requested of the City, which will remedy the grievance.

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#### **12.4.5. Grievance Meeting**

The City Manager's designee shall meet within ten (10) calendar days with the employee and the Department Director, separately or together, at the discretion of the City Manager's designee, to resolve the subject of the grievance. The City Manager's designee shall issue a written decision concerning the grievance within ten (10) calendar days from the date of the last meeting with either the employee, Department Director, or both.

#### **12.4.6. Appeal Process**

The employee may submit a written appeal to the City Manager if the City Manager's designee decision does not resolve the grievance to the employee's satisfaction. The employee appeal must be presented within ten (10) calendar days after receipt of the formal grievance decision. The appeal shall include the subject of the grievance and all supporting documents. If the City Manager is the supervisor involved in the informal grievance resolution procedure, she/he shall designate an uninvolved Department Director, or the City Attorney to hear the appeal. If no appeal has been submitted within ten (10) calendar days from the date of receiving the formal decision, the City Manager's designee formal decision shall be considered as final.

#### **12.4.7. City Manager Decision**

Upon receipt of an appeal of a formal grievance, the City Manager, or designee, shall discuss the grievance with the employee, the supervisor or Department Director, and any other involved parties, if any. The City Manager, or designee, shall render a formal decision in writing to the employee within ten (10) calendar days after receipt of the appeal. Such a decision shall be considered final.

#### **12.4.8. Representation**

The employee shall be entitled to one representative at the grievance meeting. The employee and the employee's representative may be allowed to use a reasonable amount of work time (as determined by the Department Director) for the actual meetings involved in the grievance process (not preparation time).

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#### **12.4.9. Freedom from Reprisal**

The employee shall be assured freedom from reprisal or retaliation for utilizing the grievance procedure.

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## **Section 13. Employee Discipline**

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### **13.1. DISCIPLINARY ACTION**

The City Manager has the authority to take disciplinary action against any employee in accordance with the disciplinary procedures set forth in this Manual. The City Manager also has the authority to delegate this responsibility to her/his designee. The City Manager has the authority to take disciplinary action against any Management employee or any other at-will employee, at any time, with or without cause, and without affording her/him a right to appeal.

### **13.2. GROUNDS FOR DISCIPLINARY ACTION**

Improper conduct will be cause for disciplinary action. Improper conduct is defined as an improper action or conduct by an employee which brings discredit to the City, affects the employee's ability to perform her/his duties, causes other employees to not be able to perform their duties, incompetence, or involves any improper use of their position for personal advantage or for the advantage of others.

### **13.3. CAUSES FOR DISCIPLINARY ACTION**

Disciplinary action may be taken for any just cause. Cause for disciplinary action shall include, but is in no means limited to, any of the following:

- Absence without leave
- Abuse of sick leave privileges
- Acceptance of any bribe or kickback, when it appears it was given in the hope or expectation of receiving preferential treatment
- Any action that brings discredit to the City or is a direct hindrance to the effective performance of City functions
- Any violation of the policies and procedures outlined in this Manual, departmental rules and policies, or any other written policies that may be prescribed by the City
- Being under the influence of an intoxicating beverage or non-prescription narcotic or drug while on duty or Failure to notify a supervisor, in writing, when the employee is taking prescription medication that can impair judgment or performance
- Breach of confidentiality

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- Bringing a gun or any other dangerous weapon onto City property, unless such item is specifically required as part of the employee's job duties
  - Claim of leave under false pretense, or misuse of leave
  - Conduct unbecoming of an employee of the City
  - Conviction of any felony or misdemeanor in State or federal court of which is reasonably-related to the individual's position with the City
  - Discourteous or non-cooperative treatment of the public, City elected officials or employees, City volunteers
  - Dishonesty or immorality on the job
  - Endangering self or others, or failure to follow adopted safety practices, or failure to properly use required personal protective gear or equipment.
  - Engaging in outside employment without authorization
  - Engaging in unlawful discrimination or unlawful sexual harassment in violation of the City's policy and/or state and federal law
  - Excessive absenteeism
  - Excessive tardiness
  - Failure to cooperate in an official inquiry or investigation into an alleged violation of these Personnel Rules
  - Failure to immediately report a vehicle accident
  - Failure to obtain and maintain a current license or certificate as a condition of employment
  - Failure to remain on duty or return to duty after a requested leave of absence has been disapproved, revoked or canceled
  - Failure to report to work as scheduled or failure to notify supervisor, in accordance with department standards, of one's inability to report to work
  - Favoritism
  - Fraud of any kind; falsification of any City application, medical history record, invoice, paperwork, time sheet, investigative questionnaire or any other City document, report or record or misstatement or untruths or omissions of any material fact in the application process or in securing appointment or promotion; or falsification or untruths concerning records, fellow employees, or work performed
  - Improper or unauthorized use or misuse of City equipment or supplies, or damage to, or negligence in the care and handling of City property
  - Improper political activity as defined by State law

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- Inattention, inefficiency, incompetence, carelessness or inexcusable negligence in the performance of duties
  - Incompetence or inefficiency in the performance of required duties
  - Inducing or attempting to induce a City employee to commit an unlawful act in violation of any lawful department or official regulation or order
  - Insubordination or failure or refusal to comply with a lawful order or to accept a reasonable and proper assignment from an authorized supervisor
  - Less than satisfactory performance
  - Misconduct, willful disobedience, or failure to obey any proper direction made and given by a superior officer or supervisor
  - Misuse or misappropriation of City property or funds; carelessness or negligence with the monies or other property of the City; appropriating to the employee's own use any property of the City, or loaning, selling or giving away such property without legal authorization
  - Neglect of job duties
  - Offensive or obscene language in public, or towards the public, City elected officials, City employees
  - Outside work that creates a conflict of interest with City work, or that detracts from the efficiency of the employee in the employee's City work
  - Reporting for duty or being on duty under the influence of any intoxicant or absenting oneself from duty or rendering oneself unfit to perform fully one's duties for reasons attributable to or produced by intoxicants
  - Taking for personal use, from any person, a fee, gift or other valuable thing in connection with official work when such fee, gift or other valuable thing is given in the expectation of receiving favored treatment
  - The routine conduct of personal matters during working hours
  - Theft
  - Conversations in the workplace which are disruptive because of their negativity
  - Working overtime without supervisory authorization
  - Any violation of the City's personnel rules or regulations, including those found in this Manual
  - Any other conduct equal to the reasons enumerated above as determined by the City Manager

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This list is not to be considered all-inclusive and there may be other circumstances which employees may be disciplined for, up to and including termination.

#### **13.4. TYPES OF DISCIPLINARY ACTION**

The purpose of disciplinary action is to correct deficiencies in employee performance, to assure improvement to meet appropriate standards, to correct violations of City policies and procedures and, if necessary, to terminate employees whose misconduct is egregious or whose inadequate performance is not corrected. The types of disciplinary action that may be implemented include, but are not limited to:

##### **13.4.1. Counseling**

Counseling can include any informal discussion with the employee, which is designed to assist the employee to develop or improve her/his skills, abilities, or conduct. The supervisor is usually the individual who counsels the employee. The purpose of counseling may be to clarify agency rules, solve a problem, or discuss particular weaknesses. Ideally, counseling will achieve the goal of remedying problems quickly before they require more severe discipline. Counseling is not subject to the disciplinary appeals process.

##### **13.4.2. Oral Reprimand**

The oral reprimand is simply a verbal (i.e., spoken) notification to the employee that her/his performance or behavior must be improved. Oral reprimands are usually given when counseling has failed or when the employee's conduct warrants action that is more serious. The reprimand identifies the areas in which the employee must improve, establishes goals for improving and informs the employee that failure to the oral reprimand. Oral reprimands are not subject to the disciplinary appeals process.

##### **13.4.3. Written Reprimand**

Written reprimands are not subject to the disciplinary appeals process. If the reprimand is in writing, the supervisor or Department Director should follow the procedure as outlined below:

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- Provide a copy of the written reprimand to the employee and review the violation and the reason for the written reprimand
  - Employee signs the file copy (or refusal to sign is noted on the copy); which is placed in the employee's personnel file
  - Employee is notified of her/his right to respond in writing to the written reprimand; a copy of the response is placed in the employee's personnel file
  - Employee is instructed both verbally and in writing that failure to correct the identified deficiencies and improve performance to meet the City's standards as outlined in this Manual, may result in further discipline up to and including termination

#### **13.4.4. Reduction-In-Pay**

A reduction-in-pay is the placement of the employee in a lower salary within the employee's current pay range. As a disciplinary action, the City may reduce an employee's pay to a lower rate within the pay range, or may withdraw increments that were granted for merit.

#### **13.4.5. Disciplinary Demotion**

Demotion is the involuntary reduction of an employee to a lower-paying classification. The City may demote an employee when she/he has demonstrated that she/he does not have the competence or other qualifications to perform at the higher skill level. The City may also demote an employee when she/he has demonstrated a chronic inability to perform properly their assigned job tasks.

#### **13.4.6. Suspension**

The City Manager may suspend an employee for cause without pay, for up to 30 calendar days per disciplinary occurrence. Suspension is considered unpaid leave; therefore, an employee will not accrue sick leave; vacation leave; insurance benefits; or CalPERS retirement contributions.

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#### **13.4.7. Termination**

Regular employees shall be terminated for cause after appropriate disciplinary proceedings have been followed, in accordance with state law. If necessary, the employee may be removed from service immediately and placed on paid or unpaid leave pending the completion of an investigation and/or disciplinary determination. (If an employee is placed on unpaid leave and the decision to terminate employment is reversed, the employee shall be paid for the time she/he was placed on unpaid leave). The City Manager may terminate the employment of any management employee or any other at-will employee, at any time, with or without cause and without affording the employee a right to appeal. At-will employees are not subject to the disciplinary procedures as outlined in this Manual.

#### **13.5. PROCEDURES FOR TAKING DISCIPLINARY ACTION**

The courts have established minimum procedural protections (due process) which public employers must provide to public employees who are subject to significant disciplinary action. These procedural protections apply to any public employee, who through the state or local agency laws, has acquired a right to be disciplined or terminated only for “good” or “just” cause. The City of Oakley will follow applicable legal requirements when taking disciplinary action.

These procedures apply to regular merit employees who are subject to termination, suspension, disciplinary demotion, or reduction in pay for disciplinary purposes. They do not apply to management employees, probationary, limited service or other at-will employees.

##### **13.5.1. Investigation**

If appropriate, the Department Director of the employee, or another impartial third party, shall conduct an investigation into the misconduct and shall prepare a report of the findings and submit the report to the Human Resources Department. The City Attorney shall be advised of any investigation and shall provide direction to the person who is conducting the investigation.

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### **13.5.2. Notice of Proposed Disciplinary Action**

Written notice of the proposed Disciplinary Action to be imposed shall be served on a regular employee personally or sent to his/her address of record by Certified Mail not less than seven (7) working days prior to the date of the proposed action. If served by Certified Mail, such notice shall be effective and constitute receipt by the employee upon deposit in the United States Post Office.

Such formal notice shall include:

- A statement of the nature of the Disciplinary Action to be taken;
- A statement of the causes therefore;
- A statement of the act(s) or omission(s) upon which the causes are based;
- A copy of the materials upon which the Disciplinary Action is based; and
- A statement informing the employee of his/her right to appeal the decision as provided in this Manual.

### **13.5.3. Right to Respond- “Skelly” Process**

Any regular employee shall have the right to respond, either orally or in writing, to the authority (most likely the Department Director) imposing Disciplinary Action and have the response considered prior to any final decision being made with respect to the proposed discipline.

Unless otherwise specified in writing by the authority proposing discipline, such a response must be made within seven (7) working days after receipt of the written notice of the proposed Disciplinary Action. Failure to respond within such period constitutes a waiver of the right to respond. However, failure to respond shall not affect the employee’s right to appeal the Disciplinary Action as provided in this Manual.

After reviewing the employee’s response, if any, the Department Director imposing discipline shall formally notify within seven (7) working days the employee in writing of his/her decision to dismiss, modify or impose the proposed discipline. The specified discipline, if any, may be imposed after a “Notice of Discipline” has been served on the employee.

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#### **13.5.4. Right of Appeal**

Any regular employee shall have the right of appeal for any disciplinary action, except for counseling, oral, and written reprimands. Reclassifications, layoffs, demotions as a substitute for layoffs, changes in status due to employee's loss of a required license or certificate, pay increases or denial of pay increases are "non-disciplinary" actions, are not subject to appeal, but may be addressed through the City's grievance procedure as outlined in this Manual.

An appeal must be filed in writing with the Human Resources Department within seven (7) working days of the date of service of the "Notice of Discipline". Failure to file an appeal within such period constitutes a waiver of the right of appeal. Filing a notice of appeal shall not stay the imposition of discipline.

#### **13.6. APPEAL HEARING**

Due process requires that an employee receive a post-disciplinary evidentiary appeal hearing before a nonbiased hearing officer or body. The City Manager will designate the hearing officer. The City will follow applicable legal requirements when an appeal hearing is requested.

#### **13.7. SCHEDULING THE HEARING**

If the employee files a notice of appeal, an evidentiary hearing shall be arranged for by the Human Resources Department and in consultation with the City Attorney. Typically, the hearing officer shall be the Assistant City Manager or a non-affected Department Director. The hearing shall be scheduled within seven (7) working days after receipt of the notice of appeal, if possible. The hearing will commence as expeditiously as it can be arranged, but no later than twenty (20) working days after receipt of the notice of appeal.

##### **13.7.1. Conduct of Hearing**

The hearing officer shall, in the hearing officer's good judgment, determine the procedures under which the hearing will be conducted. Such procedures shall provide "due process" and comply with the provisions of this Manual. Both the City and the

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employee may call witnesses and present evidence that they deem necessary and appropriate. The hearing shall be closed to the public.

#### **13.7.2. Failure of Employee to Appear at the Hearing**

Failure of the employee to appear at the hearing shall be deemed a withdrawal of her/his appeal and a waiver of the right to appeal.

#### **13.7.3. Representation**

The employee may represent herself/himself at the hearing, or be represented by counsel or another representative.

#### **13.7.4. Advisory Findings**

The findings of the hearing officer shall be rendered within twenty (20) working days of the hearing, or within a reasonable time thereafter, and shall be advisory only to the City Manager. Nothing in these procedures shall be construed as to bind the City or the City Manager to any findings of the hearing officer.

#### **13.7.5. Decision by the City Manager**

The City Manager may hold an additional meeting with the employee to discuss the advisory findings. The City Manager shall render a written decision within twenty (20) working days after receiving the advisory findings of the hearing officer. The City Manager's decision shall be final, conclusive, and binding on all parties. A copy of such decision shall be forwarded to the appellant.

#### **13.7.6. No Retaliation**

Retaliation or penalty against an employee requesting and participating in the appeal process will not be allowed nor will it be tolerated.

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### **13.7.7. Reimbursement**

If disciplinary action is subsequently revoked or modified by the City Manager, the employee is entitled to reimbursement for loss of pay, if applicable. Reimbursement is limited to the period between the date of initial action and the date of final decision after appeal. No reimbursement will be made for any period during which the employee was not ready and able to perform the duties of her/his position

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## **Section 14. Resignation, Layoff, or Termination from City Service**

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### **14.1. RESIGNATION FROM CITY SERVICE**

Employees are expected to provide reasonable written notice (usually a minimum of two weeks) stating the effective date of and reason(s) for leaving and to be physically present and actively at work up through their date of resignation. The resignation shall be promptly forwarded to the Human Resources Department. Resignations shall become effective upon receipt by the City, without the necessity of any acceptance, unless the employee is notified otherwise.

Notice of resignation is final when given and may not be rescinded without the approval of the City Manager.

#### **14.1.1. Failure to Notify**

The failure to provide such reasonable notice shall be noted in the personnel file and may be cause for denying future employment by the City. The Department Director will confirm in writing any verbal resignation that the employee is not willing to confirm in writing.

#### **14.1.2. Failure to Report to Work**

An employee who fails to report to work and/or fails to notify her/his supervisor of their absence from work for three or more consecutively scheduled workdays is deemed to have voluntarily resigned employment through job abandonment.

#### **14.1.3. Use of Accrued Leaves**

No use of vacation, sick leave, administrative leave, compensatory time off, holidays, or any other paid time off in lieu of hours worked, may be used to extend an employee's resignation date beyond the employee's last day worked. The City Manager is authorized to waive this rule.

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## **14.2. RETIREMENT FROM CITY SERVICE**

Retirement from City service shall be subject to the terms and conditions of the City's contract with the California Public Employees' Retirement System (CalPERS), and consistent with state and federal law.

An employee planning to retire from the City shall provide a written notice to the Department Director, then forwarded to the Human Resources Department for processing. Such notice should be provided, whenever possible, at least 60 calendar days prior to the effective date of retirement. Such notice is final when given and may not be rescinded absent approval of the City Manager.

## **14.3. TERMINATION - DISCIPLINARY**

An employee may be terminated based on disciplinary action pursuant to this Manual.

## **14.4. RELEASE OF PROBATIONARY EMPLOYEES**

Probationary employees may be terminated by the Department Director or City Manager for any reason with or without cause at any time, with or without notice, and without any right of appeal or the right to submit a grievance.

## **14.5. RELEASE OF LIMITED SERVICE EMPLOYEES**

Limited Service employees may be terminated by the Department Director or City Manager for any reason with or without cause, at any time, with or without notice, and without any right of appeal or the right to submit a grievance.

## **14.6. SEPARATION - NON-DISCIPLINARY**

Regular employees may be separated/released from employment for reasons other than cause for disciplinary action, including but not limited to, absence without leave for more than three (3) consecutive work days or shifts; not returning to work following the exhaustion of the twelve (12) weeks of FMLA/CRFA leave; and, the physical and/or mental inability to perform the essential functions of the employee's job, and no reasonable accommodation can be provided. These situations are deemed to be a resignation and result in immediate separation from employment; however, the employee will be given written notice of the separation and granted an opportunity to be heard by the City Manager, or other neutral decision maker designated by the City Manager, as outlined in this Manual to determine if there are reasonable and

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extenuating circumstances that need to be evaluated. If the City Manager, or designee, determines that such separation was not warranted, the employee will be reinstated with back pay and benefits from the date of separation to the date of the determination. If the decision is that the separation was warranted the employee may appeal such determination as outlined in this Manual.

#### **14.7. LAYOFF – REDUCTION IN FORCE**

An employee may be terminated (laid off) by the City Manager, consistent with state and federal law, for the following reasons: a shortage of work; lack of funds; material change in duties or organization; in the interest of economy; to reduce the staff of any City function or the return of another City employee occupying the same position from a leave of absence.

The City Manager in consultation with the Department Director shall make reasonable efforts to give primary consideration to business necessity, not seniority, whenever reductions in force are necessary. Employees shall normally be given at least thirty (30) calendar days notice of a proposed reduction in force, except where necessary to protect the public and carry out the City's mission. The decision to lay off an employee(s) is not subject to any right of appeal or right to submit a grievance.

#### **14.8. RETURN OF CITY PROPERTY**

A separating employee shall return all City-issued property to the appropriate department. City-issued property may include, but is not limited to: cell phones, credit cards, equipment, gas cards, identification cards, keys, key fobs, pagers, passwords (computer, voicemail) and any other City-owned property. All city-owned property must be returned prior to departure from employment. Failure to return the City's property may delay payment of the employee's final paycheck.

A separating employee must also complete a Form 700 "Leaving Office" form within 30 days of separation.

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## **Section 15. Workplace Safety and Workplace Violence Prevention Policies**

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### **15.1. WORKPLACE HEALTH AND SAFETY**

It is the City's policy to promote safety on the job. The health and well-being of its employees is foremost among the City's priorities. The City strives to attain the highest possible level of safety and respect for persons in all activities and operations. Safety is a state of mind and requires constant vigilance and common sense. Safety is everyone's responsibility. For this reason, all employees are required to follow common sense safety practices and correct or report any unsafe condition to their supervisor or Department Director.

### **15.2. EMPLOYEE RESPONSIBILITIES**

Each employee is expected to assist in maintaining safe working conditions. To this end, the City must rely upon employees to ensure that work areas are kept safe and free of hazardous conditions. Employees should be conscientious about workplace safety, including proper operating methods and known dangerous conditions or hazards. Employees must report any unsafe conditions or potential hazards to a supervisor or their Department Director immediately, even if the employee believes the problem has been corrected. If an employee suspects a concealed danger is present on City premises, in a product, facility, piece of equipment, process, or business practice for which the City is responsible, it must be immediately brought to the attention of a supervisor or Department Director.

### **15.3. SUPERVISOR/MANAGER RESPONSIBILITIES**

Supervisors must arrange for the correction of any unsafe condition or concealed danger immediately and should contact the Department Director as soon as possible. All unsafe conditions or safety issues must be reported to the City Manager, even if they have been corrected.

### **15.4. RULES AND GUIDELINES**

Periodically, the City may issue rules and guidelines governing workplace safety and health. All employees should familiarize themselves with these rules and guidelines since strict compliance will be expected. Failure to comply with the rules and guidelines regarding health and safety, or negligent work performance that endangers an

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employee's or another employee's health and safety will not be tolerated and will subject an employee to disciplinary action, up to and including termination.

#### **15.5. MANDATORY REPORTING OF ACCIDENTS AND INJURIES**

Any workplace injury, accident, or illness must be reported to a supervisor, Department Director or the City Manager as soon as possible, regardless of the severity of the injury or accident.

#### **15.6. REPORTING REQUIREMENTS**

If immediate medical attention is required the supervisor will assist the employee(s) in obtaining medical care by referring the employee to the City's designated occupational facility, unless the employee has designated a personal doctor.

If the injury is not a medical emergency, the supervisor will have the employee call the RN First Call service for on-the-job injuries before seeking treatment. The telephone number is **1-877-740-5017**. The supervisor shall also provide the employee with the State of California Worker's Compensation Form (DWC-1).

The supervisor must complete the Accident Investigation Report and the State of California's Employers Report of Occupational Injury or Illness (Form 5020).

The required accident reporting forms can be found in Appendix F.

##### **15.6.1. Reporting of Job-Related Injury**

An employee injured in the course of employment must report the accident **IMMEDIATELY** to her/his direct supervisor or to the City Manager. The supervisor is responsible for promptly submitting a statement signed by the employee and providing all details of the accident or injury using the City's authorized form, which is attached in Appendix F.

#### **15.7. JOB-RELATED INDUSTRIAL INJURY OR DISABILITY (WORKERS' COMPENSATION)**

City employees may be eligible to receive Workers' Compensation benefits pursuant to State law if the employee is injured or disabled in the course of employment. To be eligible for Workers' Compensation benefits, the injury must be a direct result of the job.

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### **15.7.1. Sick Leave Coordinated with Workers' Compensation Benefits**

An employee who is collecting workers' compensation temporary disability benefits as a result of a City on-the-job illness or injury shall automatically use sick leave, if any, in addition to the provided workers' compensation benefits so that the employee receives his/her full salary. If the employee does not have sufficient sick leave available, then other available paid leaves shall be used. An employee who files written notice to the Human Resources Department may decline to use available sick leave and/or other available paid leaves.

### **15.8. WORKPLACE VIOLENCE PREVENTION POLICY**

The City is committed to a workplace free from violence and the threat of violence. Any violent or threatening conduct of any kind, whether it is directed against a coworker, manager or outside party, will not be tolerated. The prohibition against threats and acts of violence applies to all persons involved in City operations, including, but not limited to, City personnel, contract workers, temporary employees, and anyone else on City property or conducting City business outside of City property. Violations of this policy, by any individual are considered very serious and will result in disciplinary action up to and including termination. Such violations may also lead to legal action, as appropriate.

This policy is intended to bring the City into compliance with existing legal provisions requiring employers to provide a safe workplace; it is not intended to create any obligations beyond those required by existing law.

### **15.9. PROHIBITED ACTS**

Acts or threats of physical violence, including intimidation, harassment, and/or coercion, that involve or affect the City, or that occur on City property, or during the conduct of City business off of City property, will not be tolerated. Workplace violence is any intentional conduct that is sufficiently severe, offensive, or intimidating to cause an individual to reasonably fear for her/his personal safety or the safety of her/his family, friends, and/or property such that employment conditions are altered, hostile, abusive, or an intimidating work environment is created for one or several City employees. Workplace violence may involve any threats or acts of violence occurring on City premises, regardless of the relationship between the City and the parties involved in the incident. It also includes threats or acts of violence that affect the business interests of the City or that may lead to an incident of violence on City premises. Threats or acts of

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violence occurring off of City premises that involve employees, agents, or individuals acting as a representative of the City, whether as victims of or active participants in the conduct, may also constitute workplace violence. Specific examples of prohibited conduct that may constitute threats or acts of violence under this policy taking into account the tone of voice, body language and other behavior of the employee when the threat was made, include, but are not limited to, the following:

- Threats or acts of physical or aggressive contact directed toward another individual
- Direct threats or acts of physical harm directed toward an individual or her/his family, friends, associates, or property
- The intentional destruction or threat of destruction of City property or another employee's property, or the property of a customer or citizen
- Surveillance, stalking, harassing or threatening phone calls
- Veiled threats of physical harm or similar intimidation
- Striking, punching, slapping or assaulting another person
- Fighting or challenging another person to a fight
- Grabbing, pinching or touching another person in an unwanted way (whether sexually or otherwise)
- Engaging in dangerous, threatening or unwanted horseplay
- Bringing a firearm, explosive, knife or other weapon or any kind onto City property, including parking lots or other exterior premises
- Any conduct resulting in the conviction under any criminal code provision relating to violence or threats of violence that adversely affects the City's legitimate business interests

Workplace violence does not refer to occasional comments of a socially acceptable nature. These comments may include references to legitimate sporting activities, popular entertainment, or current events. Rather, it refers to behavior that is personally offensive, threatening, or intimidating.

#### **15.10. ENFORCEMENT**

Any person who engages in a threat or violent action on City property will be removed from the premises as quickly as safety permits and will be required, at the City Manager's discretion, to remain off City premises pending the outcome of an investigation of the incident.

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### **15.10.1. Actions Taken**

The City will make the sole determination of whether, and to what extent, threats or acts of violence will be acted upon by the City. In making this determination, The City may undertake a case-by-case analysis and evaluation in order to ascertain whether there is a reasonable basis to believe that workplace violence, or the threat of violence, has occurred or might occur. Once a threat has been substantiated, it is the City's policy to put the threat-maker on notice that she/he will be held accountable for her/his actions. The Department Director will then implement a decisive and appropriate response. A judgment will be made by the City as to what actions are appropriate, including possible medical evaluation and/or disciplinary actions, up to and including termination. Where appropriate, the City may seek criminal prosecution or cooperate with law enforcement officials. Under this policy, decisions may be needed to prevent a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing. No existing policy or procedure of the City should be interpreted in a manner that prevents the making of these necessary decisions.

### **15.10.2. Notification by Employees**

No employee should have to tolerate violence or the threat of violence on the job. Anyone who is the victim of any violent, threatening or harassing conduct, or who observes such conduct taking place (*whether or not the perpetrator is a City employee*), shall immediately report the conduct to her/his supervisor, Department Director, or to the City Manager. All complaints will be handled confidentially and will be thoroughly investigated.

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## **Section 16. Harassment and Discrimination Prevention Policies**

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### **16.1. HARASSMENT AND DISCRIMINATION POLICY AND COMPLAINT PROCEDURE**

The City of Oakley strives to provide a professional work environment where all employees can work together comfortably and productively, free from harassment and discrimination.

The City prohibits harassment and discrimination based on an individual's race/color, national origin/ancestry, sex, religion, age, mental or physical disability, veteran status, medical condition, marital status, sexual orientation, and pregnancy regardless of whether that harassment is targeted specifically to an employee or independent contractor.

Prohibited harassment includes, but is not limited to, epithets, slurs, derogatory comments or jokes, intimidation, negative stereotyping, threats, assault (directed at individuals, their relatives, friends or associates) or any physical interference with the employee's or independent contractor's normal work or movement. Harassment also includes written or graphic material placed on walls, bulletin boards or elsewhere on City premises or circulated in the workplace that denigrates, shows hostility or aversion towards an individual or group because of the characteristics identified above.

Employees have an obligation to comply with this Harassment and Discrimination policy. Failure to do so may result in disciplinary action up to and including termination.

Investigation guidelines for the informal and formal process for resolving sexual harassment/discrimination complaints are located in Appendix J of this Manual.

#### **16.1.1. Sexual Harassment**

The City is committed to providing a workplace free of sexual harassment. While the legal standards and consequences of sexual harassment are still evolving, the City's policy has been and remains more all encompassing than the law requires. The City's policy rests on the fundamental precept that each individual treat all others with respect, dignity, and professionalism. Deviation from that fundamental precept will not be

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tolerated. Whether or not the individual means to offend or believed her/his comments or conduct was welcome is not significant. Rather, the City's policy is violated when a reasonable person, whether a recipient or a mere observer would be offended by comments or conduct based on sex as sexual harassment, gender harassment and harassment due to pregnancy, childbirth or related medical conditions. Sexual harassment includes unwelcome sexual conduct of any nature that creates an offensive or hostile work environment or an unwelcome sexual situation that is made a condition of working at the City. The City's workplace is not limited to the City's facilities, but may also include client and vendor facilities, as well as anywhere a City business-related function is taking place.

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual conduct such as:

- Verbal harassment – epithets, derogatory comments, or slurs.

Examples: *Name calling, belittling, sexually explicit or degrading words to describe an individual, sexually explicit jokes, comments about an employee's anatomy and/or dress, sexually oriented noises or remarks, questions about a person's sexual practices, use of patronizing terms or remarks, verbal abuse, graphic verbal commentaries about the body.*

- Physical harassment – assault, impeding or blocking movement, or any physical interference with normal work or movement, when directed at an individual.

Examples: *Touching, pinching, patting, grabbing, brushing against, or poking another employee's body, hazing, or initiation that involves a sexual component requiring an employee to wear sexually suggestive clothing.*

- Visual harassment - derogatory posters, cartoons, or drawings.

Examples: *Displaying sexual pictures, writings or objects, obscene letters or invitations, staring at an employee's anatomy, leering, sexually oriented gestures, mooning, unwanted love letters or notes.*

- Sexual favors – unwanted sexual advances which condition of an employment benefit upon an exchange of sexual favors.

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Examples: *Continued requests for dates, any threat of demotion, termination, etc. If requested, sexual favors are not given, making or threatening reprisals after a negative response to sexual advances, propositioning an individual.*

While it is impossible to define every action or all words that could be interpreted as sexual harassment, the examples listed above, along with the state definition of sexual harassment, are not meant to be a complete list of objectionable behavior nor do they always constitute sexual harassment.

Under federal law, unwelcome sexual advances, requests for sexual favors, and other verbal 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 appointment
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment

#### **16.1.2. Complaint Procedure**

If an individual believes that any City employee, vendor, client or other business contact has harassed her/him, then the individual should IMMEDIATELY report the incident to her/his supervisor or Department Director. If the immediate supervisor or Department Director is involved in the reported conduct or, for some other reason, the individual feels uncomfortable about reporting to that supervisor or Department Director, the individual should then report directly to the City Manager. If the individual feels uncomfortable about reporting to the City Manager, then the individual should report directly to the Human Resources Department. If the individual feels uncomfortable about reporting to the Human Resources Department then the individual should report directly to City Attorney.

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Any employee, who sees or learns of conduct that may constitute harassment under this policy, shall immediately advise her/his Department Director of the incident and actions taken. The Department Director shall immediately report the incident and actions taken to the City Manager.

**16.1.3. No Retaliation**

The City will not retaliate, nor will it tolerate retaliation, against individuals who complain in good faith about harassment in the workplace. The City will investigate any such report and will take whatever corrective action is deemed necessary, including disciplining and dismissing from employment any individual who is found to have violated these prohibitions against harassment and/or retaliation. All employees and supervisors have a duty to cooperate in the City's investigation of alleged harassment and/or alleged retaliation. Failure to cooperate or deliberately providing false information during an investigation shall be grounds for disciplinary action, including termination.

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## **Section 17. Alcohol and Drug Policy**

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Alcohol and drug abuse ranks as one of the major health problems in the United States. Continuing research and practical experience have proven that even limited quantities of narcotics, abused prescription drugs or alcohol can impair one's reflexes and judgment. This impairment, even when not readily apparent, can have catastrophic results.

Each City employee has a responsibility to deliver services in a safe and conscientious manner. The City will not jeopardize the safety of other City employees, the public, and/or City operations due to an employee's use of alcohol or drugs. For these reasons, The City has adopted a policy that includes the provisions of the federal Drug-Free Workplace Act of 1998 and the California Drug-Free Workplace Act of 1990. The City's Drug-Free Workplace policy can be found in Appendix L of this manual.

The City requires its employees to report to work completely free from the influence of alcohol, drugs, or other controlled substances. Any employee who is using prescription or over-the-counter drugs that may impair her/his ability to safely perform the job or may affect the safety or well being of others should immediately inform her/his Supervisor.

The City's drug free workplace policy is that it is unlawful to manufacture, distribute, dispense, possess, or use a controlled substance, and that such acts are prohibited in the workplace. If any violation of the policy occurs, the employee will be subject to discipline action up to and including termination.

### **17.1.1. Prohibited Acts**

Since the use of alcohol, illegal drugs, intoxicants, and controlled substances, on or off duty, impairs an employee's ability to work safely and efficiently, the City prohibits the use of these substances at any time to the extent that they affect, or have the potential to affect, the workplace. Accordingly, the City prohibits the following:

- Possession, use, or being under the influence of alcohol or an illegal drug, intoxicant, or controlled substance during working hours, including breaks and lunchtime
- Operating a vehicle during work hours or while on City business while under the influence of alcohol or an illegal drug, intoxicant, or controlled substance
- Distribution, sale, manufacture or purchase or the attempted distribution, sale,

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manufacture or purchase of an illegal drug, intoxicant, or controlled substance during working hours or while on premises owned or occupied by the City

- Misuse or abuse of prescription medication to the extent that it causes a negative impact on the ability of the employee to safely perform her/his job

The use of prescription drugs or over-the-counter drugs, even when used appropriately, may also affect employees' job performance and seriously impair an employees' value to the City. It is the employee's responsibility to determine from her/his physician whether a prescribed drug may impair job performance.

#### **17.1.2. Violations of Policy**

Employees who violate this policy will be removed from the workplace immediately. The City may also bring the matter to the attention of appropriate law enforcement authorities. Any conviction for criminal conduct involving illegal drugs, intoxicants, or controlled substances, whether on or off duty, or any violation of this policy, including a positive drug-test result, will lead to disciplinary action, up to and including termination.

#### **17.1.3. Notification of Impairment**

Any employee who is using prescription or over-the-counter drugs that may impair her/his ability to safely perform their job or may affect the safety or well being of others should immediately inform her/his Supervisor. The City will make a reasonable attempt to find a temporary, modified duty assignment, if needed, to insure that job safety will not be compromised. A physician's statement verifying the needed accommodation may be required and will be kept confidential... Federal, State, and local laws protect the rights of individuals with disabilities and others with regard to the confidentiality of medical information, medical treatment, and the use of prescription drugs and substances taken under medical supervision. Nothing contained in this policy is intended to interfere or violate an individual's rights under these laws.

#### **17.1.4. Reporting By Employees**

It shall be the responsibility of each employee who observes, or has knowledge of, another employee who is in a condition that impairs the employee's ability to perform her/his job duties, or who presents a hazard to the safety and welfare of others, or is

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otherwise in violation of this policy, to promptly report their observation to their immediate supervisor.

#### **17.1.5. Reasonable Accommodation**

The City expects employees who believe that they may have an alcohol or drug problem to seek treatment; however, it is the responsibility of the employee to seek and accept assistance before drug and alcohol problems lead to disciplinary action, including termination. The City will attempt to accommodate reasonably employees with chemical dependencies (alcohol or drugs), if they voluntarily wish to seek treatment and/or rehabilitation. Employees desiring assistance should request an unpaid leave of absence from their supervisor or Department Director.

The City will also attempt to provide a referral to an appropriate professional organization; however, the City's support for treatment and rehabilitation does not obligate the City to retain any person who violates the City's drug and alcohol abuse policy or whose job performance is impaired because of substance abuse. Moreover, failure to enter, remain or successfully complete a prescribed treatment program may result in termination of employment. The City is also not obligated to retain any person who has participated in treatment or rehabilitation if that person's job performance remains impaired as a result of dependency. Employees who are given the opportunity to seek treatment or rehabilitation and are involved in any further violations of this policy will not be given a second opportunity to seek treatment or rehabilitation. Confidentiality of records and information will be maintained in accordance with all local, State, and federal laws.

#### **17.2. ALCOHOL AND DRUG TESTING**

The City shall conduct alcohol and drug tests in the following circumstances:

##### **17.2.1. Application for Employment**

Job applicants who are offered employment may be required to submit to an alcohol and drug test prior to appointment. Refusal to submit or a positive confirmed alcohol and drug test may be used as a basis for refusal to hire the applicant. The Human Resources Department can provide more information on the testing process.

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### **17.2.2. Positive Test Result**

Positive test results will be confirmed by a licensed laboratory. Applicants who test positive will not be hired. Any employee who tests positive for drugs or alcohol will be subject to discipline up to and including termination for violating this policy. Continued employment with the City following a positive drug/alcohol test by an employee is completely up to the discretion of the City Manager and will only be allowed if the employee is willing to undergo treatment and periodic testing upon return to work.

### **17.2.3. TESTING EMPLOYEES WHO HAVE A COMMERCIAL DRIVERS LICENSE**

Employees that are required to have a commercial driver's license as part of her/his essential duties shall participate in the City's drug testing program in accordance with Department of Transportation regulations.

### **17.2.4. Reasonable Suspicion**

Employees will be required to submit to a drug and/or alcohol test whenever the supervisor, Department Director, or City Manager has a reasonable suspicion that there has been a violation of the rules set forth in this policy. Reasonable suspicion may arise from among other factors, direct observation, frequent absences, chronic tardiness or early departure, excessive use of sick leave, bankruptcy, increased medical claims, decreased productivity, accidents resulting in injury, theft, vehicular accidents, misrepresentations, or lying.

### **17.3. INVESTIGATIONS, SEARCHES, NO EXPECTATION OF PRIVACY ON CITY PROPERTY**

Where a manager or supervisor has reasonable suspicion that an employee has violated the drug abuse policy, the supervisor, or designee, may inspect all City property including, but not limited to vehicles, lockers, work areas, desks, computers and other City locations or property without prior notice, in order to ensure a drug free work environment. The employee is hereby notified that locked areas or containers belonging to the City do not prevent a search and understand that there is no expectation of privacy on City premises, City property, and equipment.

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## **Section 18. City Records, Communication Systems, and Requests for Information**

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### **18.1. CITY RECORDS AND REQUESTS FOR INFORMATION**

All official City records and files are considered the property of the City. Some records are considered confidential and will not be released. A request for information that is not part of an employee's routine job responsibilities or duties should be referred to the employee's supervisor or Department Director.

### **18.2. PUBLIC RECORDS ACT REQUESTS**

It is City policy to comply with State laws regarding access to, and disclosure of, public records. All requests for documents under the California Public Records Act should be referred to the City Clerk's Office.

### **18.3. MEDIA REQUESTS**

Employees receiving requests for information by the news media should be refer the requests to the City Manager or his/her designee, specifically authorized by the City Manager to handle public relations.

### **18.4. LEGAL SERVICE AND REQUESTS FOR INFORMATION**

Employees shall not respond to any subpoenas, requests for deposition or other legal requests for information regarding official City business. All such requests must be reported immediately to the employee's Department Director, or to the City Manager., who will consult with the City Attorney or other City legal representatives. The City Clerk will coordinate all requests for public records and will consult with the City Manager and City Attorney, as needed.

### **18.5. OUTSIDE INQUIRIES CONCERNING EMPLOYEES**

All inquiries concerning information about employees from outside sources should be directed to the City Manager, or the Human Resources Department. No employee is authorized to provide a job reference for a current or former employee.

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## **18.6. PERSONNEL RECORDS**

The Human Resources Department maintains personnel records for all employees. The Human Resources Department shall maintain the records and reports necessary for the proper administration of the personnel system.

### **18.6.1. Personnel Files**

The Personnel file includes records and documents pertinent to each employee's employment status and history. The confidential information in a personnel file will not be revealed to outside sources except as required by law or with the consent of the employee and the City Manager. The following information is a matter of public record and will be disclosed to anyone who requests it: employee's name, classification title and department, status, salary range, salary, benefits, date of hire and/or separation date from employment. An employee, or representative with written consent from the employee, may inspect the employee's personnel file during normal working hours. Upon request, an employee may receive a copy of any materials in her/his own personnel file.

### **18.6.2. Confidential Medical Records**

The Human Resources Department shall maintain any medical records and reports for each employee in a separate locked file that will not be accessible to any other employee except on an as-needed basis. These records will not be disclosed to outside sources except pursuant to written authorization by the employee and as permitted and required by law.

## **18.7. NOTIFICATION OF CHANGES BY EMPLOYEES**

Employees must notify the Human Resources Department promptly of any change of name, address, phone number, number of dependents, or other applicable personal information.

## **18.8. COMPUTERS, E-MAIL, TELEPHONES AND VOICE MAIL**

All files and records stored on City computers are the property of the City. City computers and telephones are for City business, not for personal use. *De minimis* (brief

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and infrequent) personal use is allowed during an employee's own time, including breaks and lunchtime. Any personal use beyond that which is deemed *de minimis* by the employee's Department Director shall be on employee's own time and **only with prior approval** of the employee's department director. Making personal copies or printouts at work is discouraged, but for *de minimis* use employees shall pay \$.25 per page for any personal printouts or copies.

As outlined in the City-owned Electronic Media Acceptable Use Policy (see Appendix G), electronic mail and voice mail messages are for City business and are considered City property. The City maintains the right to access computer files, e-mail, Internet usage, telephones and voice mail at any time without prior notice, and employees should not assume that such usage and messages are neither personal nor private. Employees are expected to keep telephone and computer passwords confidential.

The City prohibits the display, transmission or downloading of sexually explicit images, messages, or cartoons, or any transmission or use of voice mail, email, or Internet communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, religion, color, creed, national origin, sex, sexual orientation, marital status, age, or the presence of any sensory, mental or physical disability. Voice mail, email, or Internet systems may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.

Employees, other than personnel designated by the City Manager, are not authorized to load any software programs onto City-owned computer equipment without express approval from Information Technology (IT) personnel. Should an employee load a program without first obtaining permission and damage and/or economic harm results, the employee is liable for the cost of repair and/or restoration of any damages to the computer system.

Employees are encouraged to utilize her/his personal cell phone when making or receiving personal phone calls and no personal long-distance calls may be made from the City's telephone system. Personal phone calls should be on the employee's own time, or be of a *de minimis* nature.

When it is determined that an employee's responsibilities require the use of a cell phone and the City provides either a phone or a stipend to be used for the employee's business use, the employee must pay for any personal use that causes charges beyond

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what the service plan or stipend covers. It shall be the employees' responsibility to review monthly bills to ensure such costs for personal calls are reimbursed to the City in a timely manner.

Employees misusing the City's computers, Internet, e-mail, telephones and voice mail will be subject to disciplinary action, up to and including termination.

#### **18.8.1. Off Duty Use of Non-City Owned Technology Policy**

While the City respects employee rights of free expression, employees are urged to use good judgment when accessing and using blogs, online journals, social networking sites, or other forms of Internet communications through non-city owned technology while off-duty. The Internet is a public place and your Internet activity is neither personal nor private. As such, all employees should be cognizant of how their use of the Internet may effect their personal reputation and, in turn, your commitment to public service. The City encourages employees who maintain profiles on social networking websites (e.g., My Space) or other such Internet publications to take all steps necessary to restrict others from accessing your profile. In all circumstances, employees are not permitted to engage in illegal activity, on or off-duty, which adversely affects the City.

#### **18.9. ELECTRONIC PUBLIC RECORDS**

Email is a business tool that shall be used in a professional manner for business purposes only. The email system will be used in accordance with generally accepted business practices and current law reflected in the California Public Records Act to provide an efficient and effective means of intra-City communications. When the City becomes the target of litigation, all records maintained by the City are subject to subpoena and review by the other party, including email. Therefore, email is neither personal nor private. Marking a message as "private" or "confidential" does not exempt information from being disclosed. As such, email addressed to, generated by, or received on City computers or servers is the property of the City. As with voice mail, although employees and elected officials have passwords that restrict access to their computers, the City may access any files or email messages stored on or deleted from the computer system. The City reserves the right to access such information for any purpose at any time. The City's Email Retention Policy can be found in Appendix H of this Manual.

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## **Section 19. Employee Conflict of Interest**

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### **19.1. PURPOSE**

The purpose of this policy is to establish guidelines for ethical standards of conduct, which shall govern City employees in the performance of City business and the duties of their respective jobs. This policy is intended to provide positive direction to City employees in order to prevent potential conflicts of interest. This policy is not all encompassing in its definition of conflict of interest. The “prudent person” theory can and will be applied: action deemed inappropriate by a reasonable person, whether specifically cited in this policy or not, will be subject to inquiry and may be grounds for disciplinary action. This policy is in addition to the City’s Conflict of Interest Code (Title 2, Chapter 9 of the Oakley Municipal Code) and Government Code Sections 87300 et seq.

### **19.2. CONFLICTS OF INTEREST**

No City employee shall engage in any act, which is in conflict, or creates an appearance of unfairness or conflict with the performance of official duties.

The employee will be guided in interpretation of this section by the distinction between a gift, gratuity, or favor given or received which has significant monetary value and is offered or accepted in expectation of preferential treatment, and expression of courtesy.

Recognizing that personal friendships often precede and can evolve from official contact between employees and persons engaged in business with the City, employees should preclude themselves from any decision, which may cause a conflict of interest or be perceived as collusive.

Examples of acceptable courtesies include a meal or social event; exchanges of floral offerings or gifts of food to commemorate events such as illness, death, birth, holidays, promotions; a sample promotional gift of nominal value (less than fifty dollars (\$50)).

Except for courtesies as provided above, no employee shall, directly or indirectly, give or receive, or agree to receive any compensation; gift, reward, commission, or gratuity from any source except the City for any matter directly connected with or related to his official services as such employee with this City.

An employee shall be deemed to have a conflict if the employee:

- 
- Has any financial interest in any sale to the City of any goods or services when such financial interest was received with prior knowledge that the City intended to purchase the property, goods, or services.
  - Solicits, accepts, or seeks a gift, gratuity, or favor from any person, firm, or corporation involved in a contract or transaction, which is or may be the subject of official action by the City.
  - Participates in her/his capacity as a City employee in the issuing of a purchase order or contract in which she/he has a private pecuniary interest, direct or indirect, or performs in regard to such contract some function requiring the exercise of discretion on behalf of the City.
  - Engages in, accepts employment from, or renders services for private interest for any compensation or consideration having monetary value when such employment or service is incompatible with the proper termination of official duties or would tend to impair independence of judgment or action in performance of official duties, or give the appearance of the above. An employee should not make a unilateral decision, if there is any doubt about her/his private employment. The appointing authority should be consulted.
  - Discloses or uses without authorization confidential information concerning property or affairs of the City to advance a private interest with respect to any contract or transaction which is or may be the subject of official action of the City.
  - Has a financial interest or personal interest in any legislation coming before the City Council and participates in discussion with or gives an official opinion to the City Council on the matter.
  - Fails to comply with the provisions of the Political Reform Act, as regulated by the Fair Political Practices Commission, or any other state or federal laws governing conflict of interest matters.

The City Manager or designee is permitted to accept a gift, gratuity, or favor on behalf of the City and may distribute such gift, gratuity, and favor as she/he deems appropriate to City employees and elected officials in accordance with Fair Political Practices Commission regulations (i.e., holiday gifts and goodies, sporting events tickets, cultural events tickets)

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### **19.3. USE OF PUBLIC PROPERTY**

No employee of the City shall request, use, or permit the use of City-owned vehicles, clothing, equipment, materials, or other property for unauthorized personal convenience, for profit, for personal or private use, or as part of secondary employment. Use of such City property is to be restricted to such services as are available to the City generally and for the conduct of official City business.

### **19.4. POLITICAL ACTIVITIES**

No employee may use City time or property in any manner to promote any political issue or candidate, or to solicit funds for any political purpose or to influence the outcome of any election.

No employee shall be eligible for appointment or election to any public office (including appointment to a Board, Commission or Committee in the City of Oakley or in a city or unincorporated community within 5 miles of Oakley) when the holding of such office or position would be incompatible or would substantially interfere with the employee's official duties, at the discretion of the City Manager.

### **19.5. OUTSIDE BUSINESS OR EMPLOYMENT**

Employees are discouraged from accepting outside employment, whether self employment or otherwise.

#### **19.5.1. Request for Approval of Outside Employment**

All employees holding or considering second jobs must obtain advance approval from her/his Department Director and the City Manager no later than ten (10) working days prior to beginning the employment. Advance approval is required to ensure that the job will not create a conflict of interest or interfere with the proper performance of their duties.

The request for approval for outside employment is initiated by the employee submitting the Request for Outside Employment Form, attached in Appendix I. The City Manager reserves the right to rescind any approval for Outside Employment if it is determined that such an action is in the best interests of the City.

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### **19.5.2. Annual Approval Required**

An employee must submit a notice of continuing employment or outside business on an annual basis.

### **19.5.3. Violations Subject to Discipline**

Unapproved outside employment is grounds for discipline, up to and including termination. Approved outside employment are also grounds for discipline up to termination if any of the following occur:

- Outside employment involves the employee's use for private gain or advantage the City's owned/controlled facilities, equipment, information, records, supplies, and/or uniforms;
- Outside employment involves the employee's use of work time compensated for by the City;
- Outside employment involves the employee's receipt of money, or other consideration for performance of work which the employee would normally be required to perform in their regular course of work for the City;
- Outside employment requires the employee to do work which may later be subject, directly or indirectly, to the control, inspection, review, audit, or enforcement by any other employee or officer of that same department;
- Outside employment would require such demands on the employee's time that their ability to perform their City work is adversely impacted;
- Any employee who engages in outside employment while on sick leave.

Appendix A

Equal Employment Opportunity Policy

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## Appendix A. Equal Employment Opportunity Policy

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The City of Oakley is an equal opportunity employer and makes employment decisions on the basis of merit. We want to have the best available persons in every job. City policy prohibits unlawful discrimination based on race, color, creed, gender, religion, marital status, registered domestic partner status, age, national origin or ancestry, physical or mental disability, medical condition including genetic characteristics, sexual orientation, or any other consideration made unlawful by federal, state, or local laws. It also includes a perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. All such discrimination is **unlawful**.

The City is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in City operations and prohibits unlawful discrimination by any employee of the City, including supervisors and coworkers.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, the City will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result.

Any applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact a City representative with day-to-day personnel responsibilities and request such an accommodation. The individual with the disability should specify what accommodation she/he needs to perform the job. The City then will conduct an investigation to identify the barriers that interfere with the equal opportunity of the applicant or employee to perform his or her job. The City will identify possible accommodations, if any, that will help eliminate the limitation. If the accommodation is reasonable and will not impose an undue hardship, the City will make the accommodation.

If you believe you have been subjected to any form of unlawful discrimination, submit a written complaint to your supervisor or the individual with day-to-day personnel responsibilities. Your complaint should be specific and should include the names of the individuals involved and the names of any witnesses. If you need assistance with your

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complaint, or if you prefer to make a complaint in person, contact the Human Resources Office. The City will immediately undertake an effective, thorough, and objective investigation and attempt to resolve the situation.

If the City determines that unlawful discrimination has occurred, effective remedial action will be taken commensurate with the severity of the offense. Appropriate action also will be taken to deter any future discrimination. The City will not retaliate against you for filing a complaint and will not knowingly permit retaliation by management employees or your coworkers.

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Appendix B

Evaluation Form

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## Appendix B. Performance Evaluation Form

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<b>Employee's Name:</b>	
<b>Title:</b>	
<b>Department:</b>	
<b>Supervisor's Name:</b>	
<b>Date of Hire:</b>	
<b>Last Appraisal:</b>	

**EVALUATION CRITERIA:** Please evaluate your performance objectively and honestly, and in accordance with the following performance standards.

**5 = Superior Performance**

Consistently exceeds expectations; contribution to the City is unique and of unusually high quality. Employees at this performance level demonstrate job mastery and achieve the highest standard of performance for mutually agreed on objectives.

**4 = Exceeds Expectations**

Consistently meets and frequently exceeds expected levels of performance. Individuals rated at this level make contributions significantly above what would be expected of the majority of the employees doing similar work.

**3 = Meets Expectations**

Employee consistently meets the position requirements. Performance is acceptable and demonstrates balance between quality and quantity. This rating represents successful results.

**2 = Improvement Desired**

Performs at minimum level. Employee's performance needs improvement to achieve a level of competency currently performed by others in similar functions.

**1 = Improvement Essential**

Does not meet established requirements. Employee needs immediate improvement.

In checking this box, I am indicating that I have chosen not to complete the Self Appraisal Form.

---

**Signature**

**Date**

**SECTION I:**

Describe up to 6 projects (new or ongoing), specific duties/tasks, or accomplishments of yours over the past year. Include a short but detailed description of the work performed, output, and skills you used to complete the work. Please provide a subsequent rating of 1-5 for each item (see rating guide on page 1). Please keep in mind that your performance is also rated according to the 'performance objectives' listed in Section 2.

PROJECT	WORK PERFORMED	SCORE 1-5
1.		
2.		
3.		
4.		
5.		
6.		

**SECTION 2: Please review your skills and performance relative to the following performance objectives in the areas of:**

- *Customer Service,*
- *Professional Standards/Technical Knowledge,*
- *Problem Solving,*
- *Productivity/Quality of Work,*
- *Teamwork/Communication,*
- *Leadership / Development (for supervisors only).*

*To complete this section, use the scale to indicate your level of performance over the past year for each objective. Refer to the guide on Page 1. Use the comment box to elaborate on specific performance objectives, or share examples. Feel free to attach additional pages as necessary.*

**PERFORMANCE OBJECTIVES**

**1=Improvement Essential - 5=Superior Performance**

<b>A. Customer Service</b>	<b>Rating 1-5</b>				
1. How well do you serve the public in a friendly, efficient, responsive manner?	1	2	3	4	5
2. How well do you recognize and anticipate the needs of external customer (i.e. residents, other agencies)?	1	2	3	4	5
3. How well do you recognize, satisfy, and respect internal customer needs (i.e. co-workers)?	1	2	3	4	5
4. How do you rate your commitment to quality customer service?	1	2	3	4	5
5. How do you rate your commitment to community input and a proactive approach to solving community issues?	1	2	3	4	5
<b>COMMENTS:</b>					

<b>B. Professional Standards/Technical Knowledge</b>	<b>Rating 1-5</b>				
1. How well do you understand and apply technical,	1	2	3	4	5

professional and business knowledge?	
2. How well do you keep up with the current trends and news of your profession/career area?	1 2 3 4 5
3. How well do you keep commitments & do you perform well under deadlines?	1 2 3 4 5
4. Is your attendance, punctuality, & use of time off satisfactory?	1 2 3 4 5
5. How do you rate your commitment to professionalism?	1 2 3 4 5
6. How do you rate your commitment to honesty and integrity?	1 2 3 4 5
7. How do you rate your commitment to fiscal responsibility of public funds?	1 2 3 4 5
COMMENTS:	
<b>C. Problem Solving</b>	<b>Rating 1-5</b>
1. Do you consider yourself a self-starter & how well do you perform new/assigned tasks?	1 2 3 4 5
2. How well do you use reasonable, sound judgment when making a decision?	1 2 3 4 5
3. How well do you find resourceful, innovative and creative ways to accomplish a task?	1 2 3 4 5
4. How well are you willing to be flexible and change plans if directives change?	1 2 3 4 5
5. How well do you seek help from others when this is the most effective solution?	1 2 3 4 5
COMMENTS:	
<b>D. Productivity / Quality of Work</b>	<b>Rating 1-5</b>
1. How well do you manage your workload & resources efficiently?	1 2 3 4 5
2. Are the speed & technical quality of your output, your time utilization, and your results satisfactory?	1 2 3 4 5
3. Is your work technically accurate & does it meet established standards?	1 2 3 4 5
COMMENTS:	
<b>E. Teamwork / Communication</b>	<b>Rating 1-5</b>
1. Do you consider yourself a "team-player"? How well do you work cooperatively with fellow employees?	1 2 3 4 5
2. How well do you effectively address conflict & deal directly with conflict/problem situations?	1 2 3 4 5
3. How well do you effectively share information with co-workers (including Department Heads)?	1 2 3 4 5
4. How well do you assist & support co-workers when necessary?	1 2 3 4 5
5. How well do you listen objectively to others & express your ideas clearly & honestly?	1 2 3 4 5
6. How well do you delegate properly when necessary?	1 2 3 4 5
7. How do you rate your commitment to teamwork?	1 2 3 4 5
8. How do you rate your commitment to a positive and encouraging work environment?	1 2 3 4 5

COMMENTS:

Please complete Section F if you supervise one or more employees.

<b>F. Leadership/Development</b>	<b>Rating 1-5</b>				
1. As a supervisor, do you create and communicate the City's mission?	1	2	3	4	5
2. As a supervisor, do you motivate by example, involvement & high customer service standards?	1	2	3	4	5
3. As a supervisor, do you keep staff involved & informed of City information?	1	2	3	4	5
4. As a supervisor, are you accessible & responsive to staff needs?	1	2	3	4	5
5. As a supervisor, do you delegate effectively?	1	2	3	4	5
6. As a supervisor, do you provide coaching, mentoring, & resources needed to develop the employees you supervise?	1	2	3	4	5
7. As a supervisor, do you proactively address employee issues/concerns?	1	2	3	4	5
8. As a supervisor, do you provide frequent, honest, & specific feedback?	1	2	3	4	5
9. As a supervisor, do you complete employee appraisals in a timely manner?	1	2	3	4	5

COMMENTS:

**SECTION 3:** Based upon your strengths and development needs identified through the performance objectives, identify three major goals, projects, assignments that you want to work on over the next year.

Identify the specific goal, identify steps to achieve this goal and anticipated date of completion (if applicable). **Remember: goals should be specific, measurable, realistic and include a deadline.**

<b>Goal/Project/Assignment</b>	<b>Steps to Achieve Goal</b>	<b>Anticipated Completion Date</b>
1.		
2.		
3.		
4.		
5.		

**SECTION 4: Additional Comments:**

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**SECTION 5 Signature**

EMPLOYEE SIGNATURE

DATE

\_\_\_\_\_

Appendix C

Travel Policy

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**RESOLUTION NO. 65-06**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF OAKLEY**

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**ESTABLISHING A POLICY REGARDING OFFICIAL TRAVEL AND OTHER  
BUSINESS AND REIMBURSEMENT OF EXPENSES ASSOCIATED THEREWITH**

**WHEREAS**, members of the City's legislative bodies and city employees perform official duties that require travel; and

**WHEREAS**, the official duties that involve travel include trainings, conferences, meetings with legislators and regulators, and meetings with staff and officials of surrounding communities regarding matters of mutual importance; and

**WHEREAS**, the performance of such official duties facilitates the efficient and satisfactory completion of City business and promotes a good relationship between the City and surrounding communities, the state government, and the federal government; and

**WHEREAS**, members of legislative bodies and city employees incur expenses related to the performance of official duties, which may take place both within and outside of the City of Oakley; and

**WHEREAS**, the California Government Code permits the City to reimburse employees and members of the City Council for expenses incurred in the performance of official duties; and

**WHEREAS**, the City Council has adopted an ordinance authorizing reimbursement for the members of the Planning Commission and Youth Advisory Committee for expenses incurred in the performance of official duties; and

**WHEREAS**, Assembly Bill 1234 (2005) requires the City Council to, prior to providing reimbursement to members of City legislative bodies, adopt a policy regarding the reimbursement for expenses incurred by members of legislative bodies in the performance of official duties; and

**WHEREAS**, this Resolution is intended (a) to satisfy the pertinent requirements of AB 1234 relating to reimbursement of expenses of members of legislative bodies; (b) to set forth a reimbursement policy applicable to employees; and (c) to establish other requirements related to travel expenses paid by the City.

**NOW, THEREFORE, The City Council of the City of Oakley does hereby RESOLVE as follows:**

**Purpose:** The purpose of this policy is to ensure that the reimbursement of members of legislative bodies and city employees for expenses incurred in the performance of official duties complies with the California Government Code, including the recently enacted Assembly Bill 1234, which adds Sections 53232.2 et seq. to the Government Code, to establish a reimbursement policy applicable to City officials and employees, and to establish other requirements related to travel expenses paid by the City.

1. **Policy.** Members of a legislative body and city employees may be reimbursed for reasonable expenses incurred in the performance of official duties only as provided in this Policy pursuant to the provisions of this policy.
2. **Definitions.** The following definition shall apply to this Policy:
  - a.) "Legislative body" means the City Council, Planning Commission, Youth Advisory Committee, or any other advisory body formally appointed by the City Council.
3. **Types of Occurrences that Qualify for Reimbursement.** Members of a legislative body and city employees may be reimbursed for reasonable expenses incurred in the performance of official duties pursuant to the provisions of this Policy, including: (a) attending conferences, (b) attending organized educational activities, (c) meeting with local, state, and federal legislators and officials regarding official City business, (d) meeting with staff and officials of surrounding communities regarding matters of mutual concern, (e) attending City events, (f) participating in regional, state, and national organizations whose activities affect the City's interests, and (g) implementing a City-approved strategy for attracting and retaining businesses to the City, which will typically involve at least one staff member.
4. **Government Rates.** Airlines, hotels, and rental car companies often make special rates available to state, federal, and local governments. These rates are presumed to be the most economical and reasonable rates for the purposes of this Policy. Those booking travel should consult available resources, such as [www.catravelmart.com](http://www.catravelmart.com), to determine the applicable government rates.
5. **Travel Authorization and Reconciliation:** Members of the legislative body and all city employees must submit a travel authorization form at least 10 days prior to the proposed travel date(s). Within 10 working days of returning from travel a member of the legislative body and all city employees must complete a travel reconciliation form. If arrangements cannot be made due to lack of advance

warning or other extenuating circumstances as approved by the City Manager or his or her designee, the above timeframe may be reduced.

**6. Transportation.**

a. **Cost Comparison to Determine Mode of Transportation.** When contemplating travel arrangements, members of a legislative body and city employees should choose the least expensive mode of travel. For example, in some cases, it may be less expensive for the city to reimburse members of a legislative body or an employee for mileage associated with vehicle transportation than to pay for air travel. Prior to making travel arrangements, the employee or member of the legislative body shall compare the cost of traveling by the various modes of travel available and determine the most cost-effective mode given the official or employee's scheduling needs. Members of legislative bodies and City employees shall also consider cost-saving strategies such as car-pooling in the cost comparison.

b. **Air Travel.** When possible, members of a legislative body and city employees should arrange for air travel to be directly paid for by the City with a City credit card. The designated individual in each City Department responsible for making travel arrangements, pursuant to City of Oakley Administrative Policy, shall book the most economical and reasonable mode and class of transportation available that is consistent with the official or employee's scheduling needs.

If advance arrangements cannot be made due to lack of advance warning or other extenuating circumstances as approved by the City Manager or his or her designee before the expenses are incurred, members of a legislative body and city employees may be reimbursed for the expense of a roundtrip airplane ticket, so long as the claimant obtained three quotations for airfare, including government and group rates when available, reasonable and practical, and the amount of reimbursement sought does not exceed the least expensive airfare that is consistent with the official or employee's scheduling needs.

c. **Personal Vehicle Travel:** Members of a legislative body and city employees may be reimbursed expenses incurred in traveling by personal vehicle on official business at the Internal Revenue Service Mileage Rate as it may be amended from time to time. Members of a legislative body and city employees requesting such reimbursement shall file a Mileage Reimbursement Request form, which shall satisfy the documentation requirements of this Policy.

- d. **Car Rental Reimbursement:** Prior to requesting a rental car, officials and employees traveling on business shall consider whether a rental car is the least expensive means of transportation at the destination. When possible, members of a legislative body and city employees should arrange for car rentals paid for in advance by City credit card and by the designated individual in each Department responsible for travel arrangements. The City will book the most economical and reasonable rental rate that is available.

If advance arrangements cannot be made due to lack of advance warning or other extenuating circumstances as approved by the City Manager or his or her designee before the expenses are incurred, members of a legislative body and city employees may be reimbursed for the expense of car rental, so long as claimant obtained three quotations for car rental rates, including government and group rates when available, and the amount of reimbursement sought does not exceed the least expensive car rental rate that is available.

7. **Meals:** Compensation for meals consumed by members of the legislative body and city employees in conjunction with travel on official business consistent with Section 3 of this policy will be based on "per diem" rates published annually by the U.S. General Services Administration (USGSA) for the location(s) of travel. When a member of the legislative body or city employee submits a travel authorization form identifying the location and purpose of travel, the "per diem" meal rate pursuant to the USGSA published rates will be determined and provided to the member of the legislative body or city employee traveling. If a member of the legislative body or city employee is concerned that the published USGSA "per diem" rate will not be sufficient, the City Manager may increase the "per diem" rate for a specific travel occurrence.

If a meal is provided by a conference or organized educational activity, or otherwise included in the registration fee, members of legislative bodies and city employees may not be reimbursed for a meal purchased in lieu of, or in addition to, the provided meal. If a member of a legislative body or a city employee is not traveling for the entire day, the per diem allowance will be prorated for the meals actually required.

- a. **Reimbursement for Other Meals.** Where authorized by Section 4 of this Policy, members of a legislative body and city employees may be reimbursed for their meals associated with the performance of duties at rates not to exceed the amounts set forth in this Policy. Meals for spouses, members, and other third parties shall not be reimbursed.

8. **Lodging.**

- a. The City will pay for or reimburse for lodging expenses when travel on official city business reasonably requires an overnight stay.
  - b. When possible, members of a legislative body and city employees should arrange for lodging expenses to be paid by City credit card, pursuant to City of Oakley Administrative Policy relating to credit card usage. The designated individual in each Department responsible for making travel arrangements, shall book lodging at the most economical and reasonable rates for lodging that is in a location that is reasonable and convenient in relation to the official or employee's scheduling and official business needs. For lodging in connection with a conference or organized educational activity, such lodging costs shall generally not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the member of a legislative body or city employee at the time of booking.
  - c. If such advance arrangements cannot be made due to lack of advance warning or other extenuating circumstances as approved by the City Manager or his or her designee before the expenses are incurred, a member of the legislative body or city employee may be reimbursed for lodging expenses, so long as the amount of the reimbursement does not exceed the government or group rates offered by a provider of lodging in a location that is reasonable and convenient in relation to the official or employee's official business needs or the maximum group rate published by the event or activity sponsor, whichever is higher.
9. *Miscellaneous Expense Reimbursement.* Members of a legislative body and city employees may be reimbursed for actual and necessary incidental expenses incurred in connection with a conference, organized educational activity, or other performance of official duties. Incidental expenses include reasonable gratuities for hotel and airline employees (but not for meals), parking fees, cab fares, public transportation costs, tolls, telephone calls relating to the performance of official duties, and other business-related, miscellaneous expenses.
10. *Conference Registration Fee Reimbursement.* When possible, members of a legislative body and city employees should arrange for conference and organized educational activity registration fees to be paid in advance of the conference by City credit card, pursuant to City of Oakley Administrative Policy relating to credit card usage. If such advance arrangements cannot be made due to lack of advance warning or other extenuating circumstances as determined by the City Manager or his or her designee, members of a legislative body and City employees may be reimbursed for the expense of a conference or organized educational activity registration fee.

11. **Expenses to Accommodate Disabilities.** This policy shall not be construed to limit the City's ability to reimburse members of a legislative body and city employees for necessary expenses in excess of that which is otherwise permitted under this policy where such additional expenses are necessary to accommodate for a disability.
12. **Other Expenses.** All other reasonable expenses incurred in the performance of official duties that are not described in this Reimbursement Policy shall not be reimbursed unless approved before the expense is incurred by the City Manager.
13. **Prohibited Expense Reimbursements.** Members of a City legislative body and City employees shall not be reimbursed for expenses such as alcoholic beverages, spouse or family meals, entertainment expenses such as movie rental fees, theater tickets or sporting event fees, and fines for parking citations.
14. **Brief Report to Legislative Body.** Members of City legislative bodies shall provide brief written reports on meetings attended at the expense of the City at the next regular meeting of the legislative body immediately following the event for which reimbursement is sought. If more than one member of a legislative body attends the event, a report from one of the members that mentions the other's presence is sufficient.
15. **Effect of Violation.** A violation of this Reimbursement Policy may result in the following penalties, including, but not limited to: 1) loss of reimbursement privileges; 2) restitution to the City; 3) civil penalties for the misuse of public resources pursuant to Section 424 of the California Penal Code; 4) prosecution for misuse of public resources pursuant to Section 424 of the California Penal Code; 5) for City employees, disciplinary action, up to and including termination.
  - b. **Development of and periodic revisions to City Credit Card Policy.** The City Manager will develop an Administrative Policy on City Credit Card Usage and will periodically update the policy conform to the limits on expenditures for transportation, lodging, meals, and other expenses set forth in this Policy.
  - c. **Effective Date.** This Resolution shall take effect immediately.
  - d. **Severability Clause.** The provisions of this Resolution are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the ordinance or their applicability to other persons or circumstances.

PASSED, APPROVED, AND ADOPTED this 24th day of April, 2006, by the following vote:

AYES: Connelley, Nix, Rios, Romick

NOES: None

ABSENT: Anderson

ABSTENTIONS: None

APPROVED:



MAYOR

ATTEST:

  
CITY CLERK

Appendix D

Request For Leave

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## TIME OFF REQUEST AND APPROVAL FORM

**Instructions:** Employees should use this form to request paid time off. Please complete the request and submit this form to your supervisor for review and approval.

**I. Employee Information**

Employee Name \_\_\_\_\_ Date: \_\_\_\_\_  
 Department: \_\_\_\_\_

**Type of paid leave requested:**

_____ Accrued Vacation	No. of Hours	_____ Floating Holiday	No. of Hours _____
_____ Comp Time	No. of Hours	_____ Management Leave	No. of Hours _____
_____ Bereavement Leave	No. of Hours	_____ Jury Duty	No. of Hours _____

**Dates Requested:**

Beginning:	
Return to Work:	

**Comments:**

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\_\_\_\_\_  
**Employee Signature**

**II. Approval Section**

<input type="checkbox"/> Approved	<input type="checkbox"/> Modified as noted below	<input type="checkbox"/> Employee is requested to reschedule
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**Comments:**

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Date: \_\_\_\_\_ **Supervisor's Signature** \_\_\_\_\_

Appendix E

Compensation Policy

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## Appendix E. Compensation Policy

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*A compensation policy states the City Council's policy regarding compensation of City employees and provides consistent guidelines in the setting of salary ranges and the movement of employees through the salary ranges.*

Compensation for City employees is based upon a philosophy of recruiting a small, highly qualified staff, providing competitive compensation, and expecting a high level of work performance.

It is the intent of the City Council to establish a compensation policy, which will support and recognize innovation and exceptional performance. It is the City Council's policy that compensation is based on performance, therefore, individual compensation adjustments are not "automatic", step-oriented, or solely based on cost-of-living adjustments.

It is the City's goal to establish and maintain a compensation program reflective of its mission, vision, and values. The total compensation program offered includes wage/salary, incentive pay opportunities as applicable, and a wide range of benefits.

The City of Oakley salary structure and ranges will be reviewed as necessary and will be based on the following criteria: (1) an evaluation of the City's ability to pay; (2) competitive market place survey data; (3) the relative value of each position; (4) individual performance; and (5) qualifications and experience.

The compensation program is designed to enable the City of Oakley to successfully attract, develop, retain, and reward employees for their knowledge and contributions.

The City also wishes to foster a team concept within the organization, recognizing the importance of a satisfied, productive, and cohesive workforce. In implementing this program, the following guidelines will be considered based upon the financial resources of the City.

### **1. Considerations in Establishing Compensation Package**

#### **A. Competitive Position – Establishment of Ranges**

Employment classifications will be grouped into salary ranges. The salary ranges will include management and non-management employees. New or any modifications to salary ranges will be recommended by the City Manager and adopted by the City Council.

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For each individual classification, the City will establish a salary range with a minimum and maximum salary. It is the City's objective to establish ranges that closely match the salary ranges of surveyed classifications at the mean (average) of the survey agencies. After reaching the maximum point, an employee has the opportunity to earn a lump sum merit award based on exceptional performance, but may not be considered for base salary increases unless his or her salary range is adjusted. Salary ranges for part-time employees will be set by the City Manager.

The City will analyze each individual classification as it best matches the classifications of the survey agencies. The salary ranges for classifications that are not closely matched will be set based on internal relationships or a relationship to a similarly surveyed classification.

#### **B. Labor Market – Comparative Cities**

The City has established the following comparative cities for salary setting purposes:

##### **Comparative Cities**

- City of Antioch
- City of Benicia
- City of Brentwood
- City of Hercules
- City of Pittsburg
- City of Pleasant Hill
- City of Tracy
- City of Vacaville

#### **C. Measurement of Competitive Position**

In considering the City's competitive position, total cash compensation will be considered which includes base salary and any cash related add-ons to base salary. Benefits will be considered, but will not be a part of the direct compensation comparison.

#### **D. Frequency of Salary Survey**

At least every two years, the City's individual job classifications will be surveyed to assess the City's position relative to the comparative cities as described above. Benchmark classifications will be included in the survey along with other positions that may be common among the survey agencies. Salary ranges will be adjusted at the discretion of the City Council, if necessary to maintain the City's competitive position in the market, taking into consideration the City's financial situation.

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## **2. Individual Employee Compensation**

### **A. Employee Salary Adjustments**

Individual compensation adjustments within the salary ranges will not be "automatic," step-oriented or based solely on cost-of-living adjustments, but will be based on 1) fiscal prudence, 2) objectives achieved, and 3) exceptional individual performance.

The City Manager sets the actual salaries for each employee to be hired within each City-Council approved salary range between the minimum point and the maximum point. On rare occasion, the City Manager may set a salary above the salary range maximum point. The City Manager has the ability to administratively move an individual within the salary range. (The City Council sets the actual salary of the City Manager and City Attorney). Periodically, the City Council will adopt revised salary ranges that take into consideration the competitive market place and the cost of living. When the City Council approves a new or adjusted salary range, the City Manager shall consider said adjustment as each affected employee is evaluated for a merit increase.

**NOTE:** The approved adjustment to a salary range does NOT automatically move the employee within the range, but grants the authority to the City Manager to consider such an increase based on merit, cost of living, and competitiveness along with any other merit increase range approved by the City Council.

At the time employees are evaluated, the level of performance for each employee will be determined. The range for the percentage of any merit increase (x % - x %) will be determined by the City Council before July 1<sup>st</sup> of each year depending upon the City's competitive position in the market and taking into consideration the City's financial situation. Performance evaluations for all employees will then be conducted and any merit increase considered by the City Manager will be effective the first full pay period of August. The City Manager will consider, when determining any merit increase, if an employee began employment near the first full pay period of August.

### **B. Recognition of On-going Innovation and Exceptional Performance (Annual Merit Award)**

Employees who exhibit innovation and exceptional performance during the previous year may be eligible to receive a lump sum merit award as deemed appropriate by the City Manager. The award will not exceed 10%. Any award above this amount requires approval of the City Council.

### **3. Non-Salary Benefits**

At least every two years, the City will review the benefits and related costs provided by the City's survey agencies, to assure the City remains competitive on the basis of total compensation and benefits. Any change in benefits will be approved by the City Council with consideration of the City's competitive position in the market and taking into consideration the City's financial situation.

#### **Attachment:**

- Salary Schedule adopted by the City Council and effective August 1, 2007



# Salary Ranges

Job Title	Minimum Monthly Salary	Maximum Monthly Salary	Minimum Annual Salary	Maximum Annual Salary
Accounting Manager	\$ 6,744	\$ 8,260	\$ 80,928	\$ 99,120
Accounting Technician	\$ 3,782	\$ 4,578	\$ 45,384	\$ 54,936
Administrative Assistant I	\$ 2,845	\$ 3,460	\$ 34,140	\$ 41,520
Assistant Planner	\$ 4,586	\$ 5,560	\$ 55,032	\$ 66,720
Associate Planner	\$ 5,307	\$ 6,467	\$ 63,684	\$ 77,604
City Attorney	Contract		Contract	
City Clerk	\$ 6,618	\$ 7,681	\$ 79,416	\$ 92,172
City Manager	Contract		Contract	
Community Development Director	\$ 9,667	\$ 11,825	\$ 116,004	\$ 141,900
Economic/Redevelopment Director	\$ 8,919	\$ 10,715	\$ 107,028	\$ 128,580
Finance Director	\$ 9,730	\$ 11,605	\$ 116,760	\$ 139,260
Legal Secretary	\$ 3,943	\$ 4,796	\$ 47,316	\$ 57,552
Management Analyst	\$ 4,939	\$ 6,020	\$ 59,268	\$ 72,240
Management Analyst (RDA)	\$ 4,939	\$ 6,020	\$ 59,268	\$ 72,240
Parks & Landscape Supervisor	\$ 5,267	\$ 6,359	\$ 63,204	\$ 76,308
Park Maintenance Worker I	\$ 3,178	\$ 3,804	\$ 38,136	\$ 45,648
Park Maintenance Worker II	\$ 3,729	\$ 4,538	\$ 44,748	\$ 54,456
Police Services Assistant	\$ 2,863	\$ 3,486	\$ 34,356	\$ 41,832
Public Works Maintenance Worker I	\$ 3,131	\$ 3,738	\$ 37,572	\$ 44,856
Public Works Maintenance Worker II	\$ 3,729	\$ 4,538	\$ 44,748	\$ 54,456
Recreation Program Supervisor	\$ 4,363	\$ 5,268	\$ 52,356	\$ 63,216
Recreation Specialist	\$ 3,355	\$ 4,271	\$ 40,260	\$ 51,252
Senior Planner	\$ 6,547	\$ 7,862	\$ 78,564	\$ 94,344

Approved by Council on July 9, 2007; effective August 1, 2007

Appendix F

Accident Reporting

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# IN CASE OF WORKPLACE INJURY

ACCION

A Seguir En Caso De Un Accidente En El Trabajo

**24-HOUR  
HOTLINE**



**Linia de  
24 HORAS  
PARA HERIDAS**

- 1. Injured Worker Notifies His/Her Supervisor**  
Empleado Accidentado: Notifica Al Supervisor
- 2. Supervisor and Injured Worker Immediately Call:**  
Supervisor y empleado accidentado llama inmediatamente a:

**1-877-740-5017**

- 3. If Supervisor is unavailable, injured worker should call the hotline immediately, follow the nurse's instructions, and notify the supervisor as soon as possible.**  
Si el supervisor no esta disponible, el trabajador herido debe llamar la linea directa inmediatamente, seguir las instrucciones del enfermero y notificar al supervisor lo mas pronto posible.

- 4. Company Nurse® Gathers Information Over the Phone and Helps Injured Worker Access Appropriate Medical Treatment.**

**Profesional Médico: Obtiene Informacion Por Teléfono Y Asiste Al Trabajador Accidentado En Localizar el Tratamiento Médico Adecuado.**

**Notice to Employer/Supervisor:** Please post copies of this poster in multiple locations within your worksite. If the injury is non-life threatening, please call Company Nurse prior to seeking treatment. Minor injuries should be reported prior to leaving the job site when possible.

*This form must be on file with  
administrative services prior to an injury.*

**PERSONAL PHYSICIAN PRE-DESIGNATION FOR WORK-RELATED INJURIES**

Employee Name:
Street Address:
City, State & ZIP Code:
Social Security Number:
Department:

I understand that the Workers' Compensation Laws of the State of California indicate that if I have notified my employer in writing prior to the date of injury that I have a personal physician, I shall have the right to be treated by such physician from the date of injury.



As defined by law, a "personal physician" must be the employee's regular physician and/or surgeon; must be the employee's primary care physician (general practitioner, or board-certified or board-eligible family practitioner, internist, pediatrician, or obstetrician-gynecologist) who has previously directed the medical treatment of the employee and who retains the employee's medical records, including the employee's medical history; and must agree to be predesignated.

If I am injured on the job, I would like to be treated by the physician whose information is provided below. I verify that this physician meets the above legal requirements of a "personal physician", is my regular, primary care physician as defined, who has previously directed my medical treatment and retains my medical records and history.

I understand that upon receipt of this form, my employer may either write to or call my selected physician, or require me to contact the physician, in order to verify that he/she is my personal physician as defined above and to request that he/she verify in writing his/her agreement to be predesignated. Under the law, the validity of this predesignation depends on such agreement in advance of an injury.

Even though I am designating a personal physician, I understand that my employer may require me to undergo medical examinations by other physicians at their request and expense.

Physician Name:
Street Address:
City, State, ZIP Code:
Phone Number:
Medical Specialty:

I understand that the filing of this form does not relieve me from my obligation to report all injuries immediately to my supervisor and to complete all required reporting forms. I certify that all of the above statements are true and correct to the best of my knowledge. I hereby give consent to my employer to contact the physician named above by phone or in writing for the sole purpose of documenting that he/she is my primary care physician as defined and that he/she agrees to this predesignation.

Signature of employee:	Date signed:
------------------------	--------------

**To the physician:** The employee named below has pre-designated you as his/her personal physician to provide treatment for work-related injuries. As such, we need to verify the following information:

Name of employee/patient:	Yes or No
Are you this employee's regular, primary care physician?	
Have you previously directed care of this employee and do you currently maintain medical records for this employee, including the employee's medical history?	
Is the medical specialty listed for on this form correct?	
If your specialty is internal medicine, pediatrics, obstetrics-gynecology or family practice, are you board-certified or board-eligible?	
Do you agree to be pre-designated as the personal physician of this employee, meaning that if this employee is injured on the job, you will direct treatment of the employee for the work-related illness or injury and submit reports in compliance with the Workers' Compensation Laws of the State of California, including the reporting duties of a primary treating physician as outlined in CCR §9785?	
Signature of physician	Date signed

**NOTE:** All physicians are advised that in the processing and handling of its workers' compensation claims, the City and its third party administrator, Municipal Pooling Authority, will consider payment for services only in the amounts set forth in the Official Medical Fee Schedule as adopted by the Administrative Director of the Division of Workers' Compensation.



WORKERS' COMPENSATION CLAIM FORM (DWC 1)

PETITION DEL EMPLEADO PARA DE COMPENSACIÓN DEL TRABAJADOR (DWC 1)

**Employee:** Complete the "Employee" section and give the form to your employer. Keep a copy and mark it "Employee's Temporary Receipt" until you receive the signed and dated copy from your employer. You may call the Division of Workers' Compensation and hear recorded information at (800) 736-7401. An explanation of workers' compensation benefits is included as the cover sheet of this form.

**Empleado:** Complete la sección "Empleado" y entregue la forma a su empleador. Quédese con la copia designada "Recibo Temporal del Empleado" hasta que Ud. reciba la copia firmada y fechada de su empleador. Ud. puede llamar a la División de Compensación al Trabajador al (800) 736-7401 para oír información gravada. En la hoja cubierta de esta forma esta la explicación de los beneficios de compensación al trabajador.

You should also have received a pamphlet from your employer describing workers' compensation benefits and the procedures to obtain them.

Ud. también debería haber recibido de su empleador un folleto describiendo los beneficios de compensación al trabajador lesionado y los procedimientos para obtenerlos.

Any person who makes or causes to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying worker's compensation benefits or payments is guilty of a felony.

Toda aquella persona que a propósito haga o cause que se produzca cualquier declaración o representación material falsa o fraudulenta con el fin de obtener o negar beneficios o pagos de compensación a trabajadores lesionados es culpable de un crimen mayor "felonía".

**Employee—complete this section and see note above. Empleado—complete esta sección y note la notación arriba.**

1. Name. *Nombre.* \_\_\_\_\_ Today's Date. *Fecha de Hoy.* \_\_\_\_\_
2. Home Address. *Dirección Residencial.* \_\_\_\_\_
3. City. *Ciudad.* \_\_\_\_\_ State. *Estado.* \_\_\_\_\_ Zip. *Código Postal.* \_\_\_\_\_
4. Date of Injury. *Fecha de la lesión (accidente).* \_\_\_\_\_ Time of Injury. *Hora en que ocurrió.* \_\_\_\_\_ a.m. \_\_\_\_\_ p.m.
5. Address and description of where injury happened. *Dirección/lugar dónde ocurrió el accidente.* \_\_\_\_\_
6. Describe injury and part of body affected. *Describe la lesión y parte del cuerpo afectada.* \_\_\_\_\_
7. Social Security Number. *Número de Seguro Social del Empleado.* \_\_\_\_\_
8. Signature of employee. *Firma del Empleado.* \_\_\_\_\_

**Employer—complete this section and see note below. Empleador—complete esta sección y note la notación abajo.**

9. Name of employer. *Nombre del empleador.* \_\_\_\_\_
10. Address. *Dirección.* \_\_\_\_\_
11. Date employer first knew of injury. *Fecha en que el empleador supo por primera vez de la lesión o accidente.* \_\_\_\_\_
12. Date claim form was provided to employee. *Fecha en que se le entregó al empleado la petición.* \_\_\_\_\_
13. Date employer received claim form. *Fecha en que el empleado devolvió la petición al empleador.* \_\_\_\_\_
14. Name and address of insurance carrier or adjusting agency. *Nombre y dirección de la compañía de seguros o agencia administradora de seguros.* \_\_\_\_\_
15. Insurance Policy Number. *El número de la póliza de Seguro.* \_\_\_\_\_
16. Signature of employer representative. *Firma del representante del empleador.* \_\_\_\_\_
17. Title. *Título.* \_\_\_\_\_
18. Telephone. *Teléfono.* \_\_\_\_\_

**Employer:** You are required to date this form and provide copies to your insurer or claims administrator and to the employee, dependent or representative who filed the claim within one working day of receipt of the form from the employee.

**Empleador:** Se requiere que Ud. feche esta forma y que provéa copias a su compañía de seguros, administrador de reclamos, o dependiente/representante de reclamos y al empleado que hayan presentado esta petición dentro del plazo de un día hábil desde el momento de haber sido recibida la forma del empleado.

SIGNING THIS FORM IS NOT AN ADMISSION OF LIABILITY

EL FIRMAR ESTA FORMA NO SIGNIFICA ADMISION DE RESPONSABILIDAD

Employer copy/Copia del Empleador

Employee copy/Copia del Empleado

Claims Administrator/Administrador de Reclamos

Temporary Receipt/Recibo del Empleado



Employee's Name: \_\_\_\_\_

Incident Date: \_\_\_\_\_

### Instructions To the Supervisor - Investigation Procedures

- ⇒ **Complete in full detail. Fax a completed report w/ attachments to MPA, 925-946-4183.**
- ⇒ Return a completed report to the Human Resources Department within 72 Hours from the day you first became aware of the injury or illness.
- ⇒ Conduct a walk through of the accident location as needed to gain an understanding of how the incident occurred.
- ⇒ Interview witnesses and injured employees at the scene, if possible. Get signed statements from all involved – PRINT AND USE EMPLOYEE/WITNESS ACCOUNT OF ACCIDENT form – attached.
- ⇒ Take photographs or make a sketch of the accident scene as needed, and include w/ report.
- ⇒ Ensure hazardous conditions are corrected immediately. Take out of service or restrict access to equipment, area, etc as needed.
- ⇒ **Develop appropriate corrective measures to prevent this incident from recurring, and list on this report.**

### SUPERVISOR TO COMPLETE:

1. Do you agree with the Triage Description and Employee/Witness statements?  Yes  No
- o Describe your understanding of the events that resulted in injury or occupational illness, including tasks assigned.

2. Were other employees also injured?  Yes  No

If YES – List Names:

3. Which of the following may have caused or contributed to the incident? (Check all that apply)

Employee Actions		
<input type="checkbox"/> Bypassing safety devices	<input type="checkbox"/> Operating without authority	<input type="checkbox"/> Improper use of equip/tools
<input type="checkbox"/> Distraction, inattention	<input type="checkbox"/> Operating at unsafe speeds	<input type="checkbox"/> Inadequate maintenance
<input type="checkbox"/> No Warning Provided / Posted	<input type="checkbox"/> Incorrect lifting, carrying	<input type="checkbox"/> Unstable loading, stacking
<input type="checkbox"/> PPE not utilized	<input type="checkbox"/> Taking unsafe position / posture	<input type="checkbox"/> Horseplay
<input type="checkbox"/> S.O.P not followed.	<input type="checkbox"/> Field Operations tactics	<input type="checkbox"/> Other – list below

Physical Conditions		
<input type="checkbox"/> Lighting	<input type="checkbox"/> PPE unavailable	<input type="checkbox"/> HVAC / ventilation
<input type="checkbox"/> No warning system	<input type="checkbox"/> Tools / equipment malfunction	<input type="checkbox"/> Motor Vehicle
<input type="checkbox"/> Guard / safety device missing	<input type="checkbox"/> Storage / congestion	<input type="checkbox"/> Inadequate Traffic Control
<input type="checkbox"/> Unstable load	<input type="checkbox"/> Proper tool not available.	<input type="checkbox"/> Chemical (attach MSDS)
<input type="checkbox"/> Spills, debris, housekeeping	<input type="checkbox"/> Combative Person / Actions of Others	<input type="checkbox"/> Walking surface
<input type="checkbox"/> Other (list)		

Fax a copy of the completed report to Municipal Pooling Authority 925-946-4183.

**Corrective Action**

What action will be taken to prevent recurrences of this incident? (Check as many as necessary):

<input type="checkbox"/> Request ergonomic evaluation	<input type="checkbox"/> Install, replace, adjust guards	<input type="checkbox"/> Provide/monitor protective equip
<input type="checkbox"/> Develop, revise operating procedure	<input type="checkbox"/> Modify, replace tools, equipment	<input type="checkbox"/> Repair (explain below)
<input type="checkbox"/> Improve emergency system	<input type="checkbox"/> Provide inspections, observations	<input type="checkbox"/> Revise equipment, layout
<input type="checkbox"/> Improve housekeeping	<input type="checkbox"/> Personal Safety Coaching	<input type="checkbox"/> Review at roll call / staff mtg.
<input type="checkbox"/> Improve job orientation, training	<input type="checkbox"/> No action taken (explain below)	

**Follow Up on Corrective Action**

1) Specific Action taken:

- a) Work or Purchase Order to correct condition?  Yes - Order #:  No
- b) Operating procedure change? If YES – Description:

2) Other Comments – explain:

3) PHOTOGRAPHS OR SKETCH ATTACHED?  Yes  No

4) Employee/Witness statement(s) attached?  Yes  No

5) No Action Taken – explain

Supervisor's Name:

Supervisor's Signature:

Date:

**Management Review – I have reviewed this report and its findings**

Division / Department Head:

Date:

**Distribution:**

- Human Resources
- Safety Committee
- Municipal Pooling Authority

MPA

Accident Investigation Report

Employee/Witness Account of Accident

Note: PRINT this form, have completed and forward along with the Accident Investigation Report

Use 1 (one) form per person – CHECK below as noted -

<input type="checkbox"/> Injured Employee	<input type="checkbox"/> Witness [City /Town Employee? Yes / No]
---	--

Name: \_\_\_\_\_ Department: \_\_\_\_\_

Today's Date: \_\_\_\_\_ Date of Accident: \_\_\_\_\_

Location of Accident: \_\_\_\_\_

**Accident Description** (explain in detail what you were doing immediately prior to the accident and then how you believe the accident happened):

\_\_\_\_\_  
Signature

Name(s) of Other Witness(s) to Accident:

- 1
- 2
- 3

ATTACH TO THE ACCIDENT INVESTIGATION REPORT

Fax a copy of the completed report to Municipal Pooling Authority 925-946-4183.

## Appendix G

### City-Owned Electronic Media Acceptable Use Policy

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## **Appendix G. City-Owned Electronic Media Acceptable Use Policy**

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Computers, software, computer files, electronic handheld devices, telephone systems, Internet services and other technological resources furnished to employees by the City is intended for use by employees in connection with the performance of their job duties. All of the foregoing is the exclusive property of the City. The City has an interest in ensuring that City Technology is used in an appropriate, responsible, and productive manner. As a result, employees should not have the expectation of privacy in connection with their access or use of City Technology. To ensure compliance with this policy the City may monitor employee use of City Technology, including City owned computers used at an employee's home. Additionally, the City may monitor an employee's personal computers used during work hours or connected to the City's network on an ongoing or intermittent basis.

The following guidelines have been established to help ensure appropriate, responsible and productive use of City Technology, as well as employee owned computers or other electronic devices used during work hours or on City property (collectively "Electronic Media"):

- The use of Electronic Media must conform to the policies, rules and regulations already established by the City's employment handbook and related City policies
- Electronic Media shall not be used to compose, transmit, access, or receive content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person. Unacceptable content includes, but is not limited to sexual comments or, or any other comments or images that could reasonably offend someone on the basis or race, age, sex, religion, national origin, disability, sexual orientation, or any other characteristic protected by law.
- The use of Electronic Media to engage in gambling is strictly prohibited.
- Employees shall not use Electronic Media to engage in unauthorized solicitation, including but not limited to, the solicitation of personal business ventures.

- Electronic Media shall not be used in violation of copyright and trademark laws, including but not limited to, the unauthorized copying, pirating, or downloading of software or files.
- Confidential employee information shall be transmitted via Electronic Media without appropriate consent.

These guidelines are neither exclusive nor exhaustive. Other use of Electronic Media that threatens or impedes security, personal safety, employee welfare, the City's process or the City's operations is also prohibited.

Employees who observe or have knowledge of another's violation of this policy are responsible for reporting such facts to their immediate supervisor.

#### **OFF DUTY USE OF NON-CITY OWNED TECHNOLOGY POLICY**

While the City respects employee rights of free expression, employees are urged to use good judgment when accessing and using blogs, online journals, social networking sites or other forms of Internet communications through non-city owned technology while off-duty. The Internet is a public place and your Internet activity may be seen by coworkers and the public. As such, all employees should be cognizant of how their use of the Internet may effect their professional reputation and, in turn your commitment to public service. Thus, the City encourages employees who maintain profiles on social networking websites (*e.g., My Space*) or other such Internet publications to take all steps necessary to restrict access to your profiles.

In all circumstances, employees are not permitted to engage in illegal activity, on or off duty, which adversely affects the City.

Appendix H

Email Retention Policy

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## **Appendix H. City of Oakley Email Retention Policy**

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This policy governs retention of e-mail, or electronic communication, that is created, sent, received, forwarded, edited, stored, or otherwise used by means of City electronic information resources of any kind, including, but not limited to, computers, computer networks, software, telephones, voicemail, personal data assistants, and any other electronic data systems or equipment ("City E-mail"). This policy applies to City E-mail of City officials, officers, employees, volunteers and contractors. City E-mail may consist of correspondence and other documentation which may constitute City records subject to the requirements of the California Public Records Act ("CPRA"), the City's Records Retention Schedule and the laws and regulations governing it, and other laws and regulations that apply to public agency information.

City E-mail and City E-mail systems are intended to be a medium of communication. City E-mail and City E-mail systems are not intended to be and may not be used for the electronic storage or maintenance of permanent City records.

Persons subject to this policy are responsible for determining whether City E-mails created, received, or used by them should be retained as permanent City records. Typically, City E-mails that contain substantive information concerning City policies, decision-making, proceedings, projects, or contractors, or that may later be important or useful for carrying out City business should be retained as permanent City records in accordance with this policy. Such records must be retained in accordance with this policy and the City's Records Retention Schedule.

Persons subject to this policy are responsible for determining whether City E-mails that should be retained as permanent City records should be stored in hard copy or electronic form. Permanent City electronic records are subject to disclosure in electronic form in accordance with the CPRA. Typically, only City E-mails intended for later editing, incorporation in other documents or electronic transmission should be stored electronically. Such City E-Mails must be transferred to the permanent e-mail archive which will be downloaded to the Record's Management System and then deleted from the responsible party's e-mail. All other City E-mails that should be retained as permanent City records should be printed and filed in the appropriate City

file and deleted. The City Clerk and City Attorney are available to assist persons subject to this policy in determining which City E-mails should be retained as permanent City records and how, and to address other questions concerning the application of this policy.

Persons subject to this policy should generally determine whether City E-mails created, received or used by them should be retained as permanent City records within ten working days of creation, receipt or use of the City E-mail. Because City E-mails and e-mail systems may not be used for permanent storage of City records, City E-mails are generally deemed pursuant to this policy to constitute preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the City in the ordinary course of business and that are therefore exempt from disclosure pursuant to the CPRA. However, City department heads and the City Clerk are responsible for determinations concerning disclosure of City records, including City E-mails, in response to requests pursuant to the CPRA, subpoena or court order.

When the City receives a request for disclosure of City records that applies to City E-mail, the person responsible for the covered records must, using his/her best efforts and by any lawful means available, preserve any City E-mail covered by the request until it is determined whether the City E-mail is subject to retention and/or disclosure. The City Clerk and/or City Attorney must be contacted concerning any request for disclosure of City records that applies to City E-mail in the possession of persons subject to this policy.

Persons subject to this policy are responsible for managing City E-mail and City E-mail systems used by them in accordance with this policy. Persons subject to this policy should regularly review their mailboxes or folders that contain City E-mails and delete City E-mails that are not required to be kept by law or this policy, or that are unnecessary or inconvenient for the discharge of official City duties or the conduct of City business, or that are otherwise no longer needed in accordance with this policy.

Persons subject to this policy should bear in mind the following design features of the City electronic information systems that relate to City E-mails:

1. The systems administrator performs an electronic back up of the City E-mail system each evening. The back up is a "snap shot" of the data contained in the City E-mail server at the end of each business day. The back up is not a copy of all City E-mail activity that occurred on the City E-mail server that day.
2. The systems administrator maintains back ups for no longer than two weeks before they are overwritten. Back ups are not permanent City records. The sole purpose of back ups is to provide a means of complete server recovery in case of a system failure.
3. The systems administrator has established a City E-mail management system that automatically removes City E-mails that are more than thirty days old and that are contained in Deleted Items or Sent Items folders.

Appendix I

Request For Outside Employment

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## Appendix I. Request for Outside Employment

Employee Name: \_\_\_\_\_

Title: \_\_\_\_\_

Department: \_\_\_\_\_

Proposed Outside Employment: \_\_\_\_\_

Name of Company or Business: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number(s): \_\_\_\_\_

Website Address: \_\_\_\_\_

Nature of Business: \_\_\_\_\_

Proposed Work Days: \_\_\_\_\_

Proposed Work Hours: \_\_\_\_\_

Responsibilities: \_\_\_\_\_

Workers Compensation and Liability Insurance Carrier(s): \_\_\_\_\_

Policy Number(s): \_\_\_\_\_

**I understand and agree that the proposed outside employment does not and will not:**

- Interfere with the efficient performance of my duties with the City and will not occur during regular or assigned work hours, unless I receive pre-approved annual or compensatory leave to cover the absence.
- Be with any business, organization or agency that is subject to the regulation of, or is doing business with the City, except as may be expressly permitted by State law.
- Require me to disclose or use information gained by my City position unless the information is available to the general public.
- Be with another government entity unless approved by the City Manager.
- Involve the performance of any work which should be performed as of my regular duties with the City or be for personal gain while on duty with the City.
- Be obtained through personal solicitation during my work hours with the City.
- Use the City name, logo or trademark or any portion thereof, in order to solicit customers.
- Reflect unfavorably to the City.
- Cause a conflict of interest under City Code or Policy and any State law

I will notify the City of changes in my outside employment or when my outside employment has discontinued. The City shall have the right to rescind the approval of this request for outside employment, at any time, upon written notice. If I violate any of the above provisions, including the City of Oakley's Personnel Manual regarding outside employment, I will be subject to disciplinary action, up to and including termination of employment.

**I DECLARE THAT THE ABOVE STATED INFORMATION IS TRUE AND CORRECT.**

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Department Director Review:**      **Approved** \_\_\_\_\_ **Disapproved** \_\_\_\_\_

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**City Manager Review:**      **Approved** \_\_\_\_\_ **Disapproved** \_\_\_\_\_

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Appendix J

Sexual Harassment Discrimination Complaints

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## **Appendix J. Investigation Guidelines for Sexual Harassment and Discrimination Complaints**

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**Investigation Procedure:** Any investigation of sexual harassment or discrimination allegations shall be conducted in accordance with the City of Oakley's Sexual Harassment/ Discrimination Prevention Policy.

**Treat All Complaints Seriously/Act Promptly:** Even if a complaining employee insists that he/she wants nothing done about the complaint, the City has an obligation to promptly and thoroughly investigate any allegation of sexual harassment or discrimination. All necessary steps must be taken to ensure that if the conduct has occurred, it does not continue. For example: Separate the employees by changing shifts or assignments; order the accused to have no contact with the complaining party; and/or depending on the seriousness of the allegations, place the accused employee on paid administrative leave pending the outcome of the investigation.

**Informal Process:** In certain specific circumstances an Informal Process may be used to resolve the complaint, but only if it has been determined (in accordance with the City's Sexual Harassment/Discrimination Prevention Policy) that such a process will most likely eliminate the problem so that the conduct never occurs again. In such cases the Informal Process Guidelines should be used in conjunction with these Guidelines.

**Neutral Investigator:** All investigations need to be objective, fair and thorough. It is important that the individual chosen to do the investigation is unbiased when conducting the investigation.

**Conduct of Investigator:** All complaints of sexual harassment and discrimination will be treated seriously and promptly investigated. The investigator will assure the employee that the complaint is being taken very seriously.

**Confidentiality Of Investigation:** The complaining party should be told that the investigation will be handled as confidentially as possible. The complaining employee and all other individuals who are subsequently interviewed, including the accused employee, must be advised that they are not to discuss the matter with anyone else and that failure to maintain the confidentiality of the investigation may lead to disciplinary

action. The complaining employee should also be advised that the accused party will be confronted and given an opportunity to respond, but will be warned that any acts of retaliation are strictly prohibited and may subject him/her to disciplinary action up to and including termination. The complaining employee should be instructed to immediately inform the investigator, his/her supervisor, or the Personnel Officer if any further acts of sexual harassment or discrimination continue.

**Offer Employee Assistance:** All persons who claim to be the subject of sexual harassment should be offered employee assistance counseling, regardless of whether the employee appears in need of counseling and regardless of any initial opinion(s) regarding the veracity of the allegations complained of by the employee.

**Detailed Interview With Complainant:** The first step in any investigation is an interview with the complaining employee. The complaining employee should be asked specific questions in order to obtain detailed information about the allegations. The employee should be asked to explain any vague or ambiguous statements. Very specific facts should be elicited and documented in writing by the investigator. The interview(s) should be documented in detail and/or tape-recorded.

**Interview the Accused Employee:** The investigator should interview the accused employee, all witnesses or names of individuals the accused person provides to disprove the allegation, and investigate and gather any additional evidence that the accused employee either raises or that comes to light as a result of the interview. All interviews should be documented in detail and/or tape-recorded.

**Analysis of Investigation:** In analyzing the evidence from the investigation, the investigator should keep in mind that the objective is to determine whether there has been a policy violation.

**When the Employee Denies the Allegations of Misconduct/Evidence of Misconduct is Inconclusive:** If the accused employee denies the allegations of misconduct and there is no evidence to substantiate the complaint one way or the other, The City of Oakley should do the following:

Advise the accused employee that if the alleged conduct had occurred, it would be a violation of City policy and would subject him/her to serious discipline, up to and including termination.

Advise the accused employee that any retaliation against the complaining party is strictly prohibited and may result in disciplinary action, up to and including, termination.

Even if the charges cannot be sustained, the Department should take whatever action it can to reduce the chance of the alleged misconduct from occurring again (for example, changing shifts, assignments, supervisors, etc.)

Advise the complaining party that the Department was unable to conclusively determine that the allegations occurred, however, the Personnel Officer will keep a copy of the complaint and the disposition and management will be alert to the problem. The complaining party should be told of any corrective action The City of Oakley will take to reduce the chance of the incident happening again. The employee should be told to immediately report any further incidents of sexual harassment or retaliation.

Advise both the complaining employee and the accused employee that the entire matter/investigation should be kept confidential and should not be discussed with other employees.

**If Evidence of Harassment/Discrimination Is Found:** If the accused employee admits to the misconduct, and/or if other evidence in the investigation reveals that the Sexual Harassment/ Discrimination Policy was violated, the City y should do the following:

If the accused employee admits to the misconduct, advise him or her that the conduct must stop immediately and take whatever corrective action is needed to ensure that it is discontinued.

Implement appropriate disciplinary action, taking into consideration that The City of Oakley's policy indicates that all forms of sexual harassment and prohibited discrimination are considered serious misconduct.

Inform the complaining employee of the results of the investigation and any corrective action. The employee should be informed that all steps are being taken to prevent any further incidences from occurring. However, any disciplinary action taken against the accused employee is confidential and cannot be revealed.

The complaining employee should be instructed to report any further incidences of sexual harassment, discrimination or retaliation immediately.

If the accused employee is not terminated, he/she needs to be informed that any further incidents or acts of retaliation will be grounds for termination

**Documentation Of Sexual Harassment:** Since personnel files can be purged, the Personnel Officer shall keep a separate file on all sexual harassment and discrimination complaints that are filed or raised by or against any individual. Such complaints would be available for purposes of corroboration or to find potential patterns of misconduct that would tend to verify the veracity of any future complaints.

Appendix K

Family Medical Leave Act/Crfa

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# Appendix K. Family Medical Leave Act/California Family Rights Act Forms

**To be completed by employee requesting leave:**

Employee Name	Application Date
Reason for leave:	
Birth/adoption of child Medical – immediate family Medical – self	
Expected date that leave begins:	
Probable duration of leave:	
Expected date that leave ends:	

Leave Will Be Intermittent:	Leave Will Be Continuous:
If requesting intermittent leave, please explain:	

**During my leave, I can be reached at:**

Address
City State Zip
Phone Number

I understand that any remaining sick and/or vacation leave will be used during the leave and that accrual of these leaves will stop during any unpaid portion of my absence.

I also understand that I am required to provide timely medical certification for my leave, and notify the City of Oakley and provide additional medical certification should it be necessary to extend the leave.

Please refer to the Family Leave Policy in the City of Oakley's Personnel Manual for more information.

Employee Signature	Date
Department Director	Date
Human Resources	Date
City Manager	Date

Appendix L

Drug Free Workplace

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## Appendix L. Drug Free Workplace Policy

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1. **Purpose:** The purpose of this policy is to furnish disciplinary and rehabilitative guidelines for handling first-time violators of the illegal drug prohibitions set forth in Section 2 of this policy.
2. **Coverage:** This policy covers only regular employees who are first-time violators of any one of the following prohibitions:
  - a. Use, possession, offer for sale, or being under the influence of illegal drugs during working hours, including lunch and break periods.
  - b. Use, possession, offer for sale, or being under the influence of illegal drugs on City of Oakley property at any time.

For purposes of this policy, engaging in any of the activities above shall be considered as a violation of the City policy.

3. **Alternatives to Discharge:** The guidelines in the policy are alternatives to immediate discharge. The refusal of an employee covered by this policy to comply with the specified guidelines shall result in the immediate discharge of that employee.
4. **Rehabilitation:** An employee covered by this policy shall enroll in and complete an approved rehabilitation treatment program as determined by an outside treatment professional approved by the City. The employee shall bear the costs of the rehabilitation program and shall be entitled to utilize whatever available vacation, sick, and/or medical leave benefits necessary for program participation. An employee's refusal to enroll in and complete such rehabilitation program shall be grounds for discharge.
5. **After-care:** An employee covered by this policy shall enroll in and complete an approved after-care program as determined by an outside treatment professional approved by the City. The recommended after-care program must also be approved by the City. The employee shall bear the cost of the after-care program and shall be entitled to utilize whatever available vacation, sick, and/or medical leave benefits are necessary for program participation. An employee's failure to complete the after-care program shall be grounds for discharge.
6. **Exemption from Rehabilitation and After-care:** At the discretion of the City, based upon the recommendation of an outside treatment professional, an employee covered by this policy may be exempt from the rehabilitation and after-care provisions of this policy. Such employee, however, may be required to enroll in a substance abuse education or similar program approved by the City.
7. **Outside Treatment Professionals:** The outside treatment professional referred to in Sections 4, 5, and 6 above shall be selected from an established list of treatment professionals maintained by the City.

**CITY OF OAKLEY  
FORMS**

# Employment Application



A PLACE for FAMILIES  
in the HEART of the DELTA

3231 MAIN STREET  
OAKLEY, CA 94561  
(925) 625-7000  
www.ci.oakley.ca.us

### EMPLOYMENT APPLICATION

*An Equal Opportunity Employer*

*Please complete this application accurately. It is part of the examination process*

**POSITION APPLYING FOR:**

Name:

Last

First

Middle

Address:

Home Phone:

( )

Work Phone:

( )

Message Phone:

( )

E-Mail Address

**IMMIGRATION REFORM & CONTROL ACT:** After employment, you will be required to submit verification of your legal right to work in the United States.

**CALIFORNIA DRIVERS LICENSE:** If a driver's license is required to perform the job for which you are applying (see Job Announcement), do you have the necessary driver's license? (You may be required to produce proof of a current license).  Yes  No

If YES, License No. \_\_\_\_\_ Class \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Have you ever been convicted of any offense(s) other than a driving violation? (Exclude juvenile offenses if records legally sealed). If yes, list offense(s) and date(s) of conviction in "Comments" section. A yes answer is not necessarily disqualifying.  Yes  No

Have you ever been convicted of reckless driving or driving under the influence of alcohol or other drugs OR has your driver's license ever been suspended or revoked as a result of conviction(s) of driving violation(s): List offense(s) and date(s) of conviction(s) in the "Comments" section. A yes answer is not necessarily disqualifying.  Yes  No

Were you ever discharged from employment or forced to resign from employment because of misconduct or unsatisfactory services? If yes, explain in "Comments" section. A yes answer is not necessarily disqualifying.  Yes  No

May we contact the employers you have listed? If not, please state which one(s) and reason in "Comment" section.  Yes  No

Are you now or have you ever been employed by the City of Oakley?  Yes  No

Veteran's Preference: Do you wish to claim Veteran's Preference? If applicable? To be considered, you must submit a copy of your discharge papers (DD214)  Yes  No

Are you a relative of a City of Oakley employee? If so, please provide employee's name and department in the "Comments" section below.  Yes  No

**Comments:**



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**EDUCATION, TRAINING AND EXPERIENCE**  
*Describe fully any business, trade, or other education or education of education (may be requested)*

Circle Highest Grade Completed	Name of School	Location (City, State)	Graduate
9 10 11 12			<input type="checkbox"/> Yes <input type="checkbox"/> No
If No, do you have a G.E.D., California High School Proficiency Certificate or equivalent? <input type="checkbox"/> Yes <input type="checkbox"/> No			

College, Business or Trade School Attended	Dates	Degree	Major Subjects	No. of Units Completed

Describe fully any job-related skills, knowledge, special training, certificates or licenses you may possess which are relevant to the position applied for. (Attach additional sheets as necessary).


**EXPERIENCE**  
List your most recent employment or related volunteer experience first and account for all time periods during the last 10 years. Be sure to list each change in title or promotion separately. If you wish to elaborate on your experience, a supplemental sheet or resume may be attached, but a resume will not substitute for the information required in this section.  
Resume/Supplements attached:  Yes  No

FROM (MO/YR)	TO (MO/YR)	EMPLOYER	TITLE
TOTAL TIME:		ADDRESS:	
HOURS PER WEEK:		DUTIES:	
FINAL SALARY:			
NAME OF SUPERVISOR AND PHONE NO.			NO. EMPLOYEES SUPERVISED
REASON FOR LEAVING OR SEEKING A JOB CHANGE AT THIS TIME:			



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**EXPERIENCE (CONTINUED TO PREVIOUS PAGE)**

FROM (MO/YR)	TO (MO/YR)	EMPLOYER	TITLE
TOTAL TIME:		ADDRESS:	
HOURS PER WEEK:		DUTIES:	
FINAL SALARY:			
NAME OF SUPERVISOR AND PHONE NO.			NO. EMPLOYEES SUPERVISED
REASON FOR LEAVING OR SEEKING A JOB CHANGE AT THIS TIME:			

FROM (MO/YR)	TO (MO/YR)	EMPLOYER	TITLE
TOTAL TIME:		ADDRESS:	
HOURS PER WEEK:		DUTIES:	
FINAL SALARY:			
NAME OF SUPERVISOR AND PHONE NO.			NO. EMPLOYEES SUPERVISED
REASON FOR LEAVING OR SEEKING A JOB CHANGE AT THIS TIME:			

FROM (MO/YR)	TO (MO/YR)	EMPLOYER	TITLE
TOTAL TIME:		ADDRESS:	
HOURS PER WEEK:		DUTIES:	
FINAL SALARY:			
NAME OF SUPERVISOR AND PHONE NO.			NO. EMPLOYEES SUPERVISED
REASON FOR LEAVING OR SEEKING A JOB CHANGE AT THIS TIME:			



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REMARKS: (Attach additional sheets as necessary)

References: Please list three references, other than relatives and previous employers that we may contact

Name	Address	Telephone Number
1.		
2.		
3.		

**CERTIFICATION (IMPORTANT) - PLEASE READ BEFORE SIGNING**

I hereby certify that all statements made on or in connection with this application are true and I understand and agree that any misstatements or omissions of material facts may cause forfeiture of my eligibility for employment by the City of Oakley. I further agree to be fingerprinted for the purposes of a criminal record check, which may be a part of the application process, and to submit to a complete medical examination to ascertain my fitness for duty by a City physician upon a job offer. I agree to furnish such proof of age, education, and legal right to work in the United States, as may be directed as conditions of employment upon job offer or hire. I further understand that any or all information included on this application or its attachments are subject to verification by the City of Oakley.

APPLICANTS SIGNATURE:	DATE:
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The City of Oakley is an equal opportunity employer. We consider applicants for all positions without regard to race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, or any other legally protected status.



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**EQUAL EMPLOYMENT OPPORTUNITY SURVEY**

APPLICANT: Please complete this form and submit it with your application. The completed form is confidential and will be separated from your application. This information is voluntary and is gathered in accordance with State and Federal laws for the purpose of evaluating the effectiveness of our Equal Employment Opportunity policy and recruitment efforts.

Title of position you are applying for: \_\_\_\_\_

Reasonable accommodation requests may be made at any stage of the recruitment and selection process. If you require reasonable accommodation, please contact the Human Resources office to request such accommodation.

How did you learn of this recruitment? (Please check only one)

<input type="checkbox"/>	City of Oakley employee
<input type="checkbox"/>	City of Oakley website
<input type="checkbox"/>	Job Bulletin Board
<input type="checkbox"/>	Friend/Relative
<input type="checkbox"/>	Walk-in
<input type="checkbox"/>	Internet (specify website)
<input type="checkbox"/>	An Organization or Group, specify
<input type="checkbox"/>	Newspaper, Publication (specify which one)
<input type="checkbox"/>	Other

A. Please indicate gender  Male  Female

B. Are you age 40 or above ?  Yes  No

C. Please indicate ethnic origin (check one)

- White (not of Hispanic origin): All persons having origins in any of the peoples of Europe, North Africa, or the Middle East
- Black (not of Hispanic origin): All persons having origins in any of the black racial groups of Africa
- Hispanic: All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin regardless of race
- Asian or Pacific Islander: All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes for example, China, India, Japan, Korea, the Philippines, and Samoa
- American Indian or Alaskan Native: All persons having origins in any of the original peoples of North American, and who maintain cultural identification through tribal affiliation or community recognition.

# Personnel Action Form

**CITY OF OAKLEY  
PERSONNEL ACTION FORM**

**Section I Action Requested**

Add \_\_\_\_\_ Change \_\_\_\_\_  
Reason for Change \_\_\_\_\_

**Section II Employee Data**

Name \_\_\_\_\_ Date of Birth \_\_\_\_\_  
Address \_\_\_\_\_ SSN \_\_\_\_\_  
City, State, Zip Code \_\_\_\_\_ Telephone Number \_\_\_\_\_  
W-4 Withholdings \_\_\_\_\_

**Accounting Code**

Title			Department				
Hourly Pay:	From		To:	Pay Frequency			
Biweekly Pay:	From		To	Overtime			
Classification	FTE		PTE	Exempt		Non-Exempt	
Hire Date			Starting Pay:			Increase/Date	

**Section III Employee Benefit Eligibility**

Benefit Description	Effective Date				Oakley contributes \$872.59 for FTE, if less than full time, calculate prorated benefit amount)			
Health Insurance Premiums					Allowance ( <i>Employee does not exceed the allowance; receives balance on paycheck</i> )		Overage ( <i>Employee exceeds the allowance and this is their share of cost</i> )	
Section 125 Cafeteria					Dependent Daycare		Health Reimbursement	
					N/A	Per payperiod	N/A	Per payperiod
					Group Health Insurance Premium:			
Life Insurance/LTD/EAP	Yes	X	No					
Vacation Accrual	Yes	X	No		Rate of Accrual			
Sick Leave Accrual	Yes	X	No		Rate of Accrual			
Administrative Leave	Yes		No	X	Acquired Hours			
Floating Holiday	Yes	X	No		Acquired Hours			
CalPERS Retirement	Yes	X	No					
YMCA					Amount		Bi Weekly Deduction	
ICMA - 401(a)					Amount		Percentage of Pay	
ICMA - 457					Amount		Percentage of Pay	

**Section V Approvals**

Department Director	Human Resources	Finance Director	City Manager
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# Tuition Reimbursement Form



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## PROFESSIONAL DEVELOPMENT AND TRAINING REQUEST

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### General Information Regarding Tuition Reimbursement Program

The City reserves the right to amend, modify, or terminate the program at any time. All employees will be notified in writing if any such changes occur. Under such circumstances, all commitments made up to that time will be honored by the City. Participation in the program is intended to help employees improve their knowledge and skills in order that they may perform their present and future job assignments in a more proficient manner. However, advancement at the City is predicated upon many factors; therefore, participation in the program is not, by itself, a guarantee of advancement or promotion.

### Eligibility

- To be eligible for tuition reimbursement, an employee must:
- Be a regular full-time, employee of the City at the time of enrollment in course(s)
- Obtain prior written approval for the course from her/his Department Director and the City Manager.
- Enroll at an accredited college or university for courses taken for credit.
- Regular part-time employees may request to participate in the Tuition Reimbursement Program. Approval is at the discretion of the City Manager. If approved by the City Manager, the maximum reimbursable amount would be pro-rated.

### Criteria

In order to be approved, the course(s) must be:

- Scheduled on the employee's own time, and
- Either (A) directly relates to the employee's work, or (B) required for an academic degree in a field of endeavor directly related to the employee's work, or of clear benefit to the City, at the discretion of the City Manager.

### Tax Issues

Tax consequences depend on current IRS regulations and are ultimately the responsibility of the employee, not the City.

### Reimbursement

When an employee has demonstrated completion of the approved course with a Grade of "B" or better, or a "pass" if the course is a "pass or fail", the employee will be reimbursed for one hundred percent (100%) of the expenses covering tuition, registration fees, textbooks, and any required or mandatory fees for the approved class. The maximum allowable reimbursement is \$2,500 per fiscal year. No other expenses will be considered. Amounts not used are not carried over to the next calendar year. Courses the employee drops or fails to complete a course will not be reimbursed.

### No Reimbursement

No tuition reimbursement will be made in the event of employment termination prior to satisfactorily completing the course.



**PROFESSIONAL DEVELOPMENT AND TRAINING REQUEST**

**Section I: Employee Information**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Title/Job Classification: \_\_\_\_\_  
Department: \_\_\_\_\_  
Supervisor: \_\_\_\_\_

**Section II: Professional Training and Development Information**

College/University \_\_\_\_\_  
Address: \_\_\_\_\_  
Class Name: \_\_\_\_\_  
Class Name: \_\_\_\_\_  
Class Name: \_\_\_\_\_  
Class Name: \_\_\_\_\_  
Start Date: \_\_\_\_\_  
Completion Date: \_\_\_\_\_

**Section III: Approvals**

Employee: \_\_\_\_\_  
Department Director: \_\_\_\_\_  
City Manager: \_\_\_\_\_

## **Employee Acknowledgement Form**

I have received and have been given the opportunity to read the City of Oakley's Employment Handbook. I understand that, except as specifically provided below, the Employment Handbook and its policies, procedures, benefits, and other terms and conditions, and any changes to them, are not intended to create, and will not create, an express or implied contract between me and the City of Oakley. I also understand, that, the City reserves the sole right and the absolute discretion to modify, cancel or revoke any of the policies, procedures, benefits, or other terms and conditions contained in the Employment Handbook, and that any such change will only become effective if and when it is adopted in writing, by the City Council.

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**Signature**

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**Printed Name**

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**Date**