CITY of YORBA LINDA

PERSONNEL POLICIES AND PROCEDURE MANUAL

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TABLE OF CONTENTS

PERSONNEL POLICIES AND PROCEDURES MANUAL INTRODUCTION ...................... 8

SECTION 1 – INTRODUCTION ........................................................................... 8
SECTION 2 – PURPOSE ................................................................................. 8
SECTION 3 – MANAGEMENT RIGHTS ............................................................... 9
SECTION 4 – DEFINITIONS ............................................................................. 11

CHAPTER 1 – ORGANIZATION AND BUSINESS PRACTICES ......................... 14

SECTION 1 – PERSONNEL OFFICER – POWERS & DUTIES ......................... 14
SECTION 2 – EMPLOYEE ASSOCIATIONS ....................................................... 15
SECTION 3 – ASSOCIATION MEETINGS – MISCELLANEOUS SERVICE ......... 15
SECTION 4 – EQUAL EMPLOYMENT OPPORTUNITY/Discrimination
FREE WORKPLACE ....................................................................................... 15
SECTION 5 – UNLAWFUL DISCRIMINATION AND HARASSMENT ............... 16
SECTION 6 – WHISTLEBLOWER PROTECTION ................................................. 19
SECTION 7 – COMPLIANCE WITH AMERICANS WITH DISABILITIES
ACT (ADA) ..................................................................................................... 21
SECTION 8 – REASONABLE ACCOMMODATION ............................................. 22
SECTION 9 – INFORMATION SECURITY AND CONFIDENTIALITY ............... 22
SECTION 10 – PERSONNEL RECORDS .......................................................... 23
SECTION 11 – EMPLOYEE’S HOME ADDRESS AND STATUS OF
DRIVER’S LICENSE – DUTY TO UPDATE .................................................... 25
SECTION 12 – OUTSIDE EMPLOYMENT/CONFLICT OF INTEREST ............... 26
SECTION 13 – USE OF CAMERAS AND VIDEO SURVEILLANCE ................... 27
SECTION 14 – USE OF CITY SEAL OR CITY DEPARTMENT EMBLEMS ......... 27
SECTION 15 – PUBLIC INFORMATION AND NEWS & MEDIA RELATIONS ...... 27
SECTION 16 – COMMUNICATIONS WITHIN THE WORK PLACE ................. 28
SECTION 17 – NEPOTISM AND CONFLICTING RELATIONSHIPS ............... 29
SECTION 18 – TELECOMMUTING ................................................................. 30

CHAPTER 2 – EMPLOYMENT ........................................................................ 32

SECTION 1 – EMPLOYMENT .......................................................................... 32
SECTION 2 – APPOINTING AUTHORITY/APPOINTMENT ............................ 32
SECTION 3 – RECRUITMENT PROCESS .......................................................... 32
SECTION 4 – EMPLOYMENT LISTS ................................................................. 33
SECTION 5 – REFERENCE CHECKS ................................................................. 34
SECTION 6 – CANDIDATE NOTIFICATION ....................................................... 35
SECTION 7 – CRIMINAL BACKGROUND CHECKS ......................................... 35
SECTION 8 – HEALTH SCREENING ................................................................. 36
SECTION 9 – EMPLOYMENT AGREEMENT .................................................... 38
SECTION 10 – PROBATION ............................................................................ 38
SECTION 11 – PROMOTION .......................................................................... 39
CHAPTER 7 – TIME AT AND AWAY FROM WORK .................................................. 77

SECTION 1 – ATTENDANCE AND PUNCTUALITY ............................................ 77
SECTION 2 – WORKWEEK AND SCHEDULES ................................................... 77
SECTION 3 – REST AND MEAL PERIODS – NON-EXEMPT EMPLOYEES .......... 80
SECTION 4 – HOLIDAYS/FLOATING HOLIDAYS ............................................. 81
SECTION 5 – CITY HALL/FACILITY CLOSURES ............................................. 82
SECTION 6 – VACATION LEAVE AND MANAGEMENT ANNUAL LEAVE .......... 83
SECTION 7 – SICK LEAVE ............................................................................... 84
SECTION 8 – PERSONAL NECESSITY LEAVE ............................................... 86
SECTION 9 – GENERAL INFORMATION ON LEAVES OF ABSENCE ............... 86
SECTION 10 – FAMILY CARE LEAVE (FMLA/CFRA) ....................................... 88
SECTION 11 – PREGNANCY DISABILITY LEAVE (PDL) ................................. 89
SECTION 12 – BABY-BONDING LEAVE ......................................................... 91
SECTION 13 – LACTATION ACCOMMODATION ............................................ 91
SECTION 14 – CIVIL AIR PATROL LEAVE ..................................................... 92
SECTION 15 – CRIME VICTIMS’ LEAVE ......................................................... 92
SECTION 16 – VICTIMS OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT

LEAVE ........................................................................................................... 92
SECTION 17 – KIN CARE LEAVE ................................................................... 92
SECTION 18 – MILITARY FAMILY LEAVE ..................................................... 92
SECTION 19 – MILITARY SERVICE LEAVE (USERRA) ................................. 93
SECTION 20 – ORGAN AND BONE MARROW DONATION LEAVE ............. 97
SECTION 21 – SCHOOL ACTIVITIES/SCHOOL APPEARANCE LEAVE ....... 98
SECTION 22 – VOLUNTEER FIREFIGHTERS, PEACE OFFICERS,

AND EMERGENCY PERSONNEL LEAVE ............................................... 98
SECTION 23 – VOTING LEAVE .................................................................... 98
SECTION 24 – LEAVE OF ABSENCE WITHOUT PAY .................................. 98
SECTION 25 – UNAUTHORIZED LEAVE .......................................................... 99
SECTION 26 – WITNESS APPEARANCE LEAVE .......................................... 99
SECTION 27 – JURY DUTY LEAVE ................................................................. 99
SECTION 28 – PAID ADMINISTRATIVE LEAVE ........................................... 100
SECTION 29 – BEREAVEMENT LEAVE .......................................................... 100
SECTION 30 – CATASTROPHIC LEAVE DONATION ..................................... 101
SECTION 31 – WORKERS’ COMPENSATION LEAVE ................................. 102

CHAPTER 8 – EMPLOYEE CONDUCT ................................................................ 103

SECTION 1 – EMPLOYEE RESPONSIBILITIES AND PROFESSIONAL
CONDUCT ....................................................................................................... 103
SECTION 2 – PERSONAL APPEARANCE, GROOMING AND DRESS CODE .... 103
SECTION 3 – ID CARDS .................................................................................. 106
SECTION 4 – POLITICAL ACTIVITIES OF PUBLIC EMPLOYEES .................. 106
SECTION 5 – USE OF CELL PHONES WHILE ON-DUTY ............................... 106
SECTION 6 – USE OF CITY PHONES ................................................................ 107
SECTION 7 – USE OF CITY EQUIPMENT ................................................................. 107
SECTION 8 – USE OF ELECTRONIC MAIL (EMAIL) ........................................ 108
SECTION 9 – ELECTRONIC MEDIA................................................................... 108
SECTION 10 – ACCEPTANCE OF MONEY, GIFTS, OR TICKETS.......................... 108
SECTION 11 – NO SMOKING POLICY................................................................. 109
SECTION 12 – ARREST AND CONVICTIONS ..................................................... 109

CHAPTER 9 – CORRECTIVE ACTION, DISCIPLINARY PROCEDURES
 AND GRIEVANCE PROCEDURES................................................................. 110

SECTION 1 – GENERAL POLICY ..................................................................... 110
SECTION 2 – GROUNDS FOR DISCIPLINARY ACTION ...................................... 111
SECTION 3 – TYPES OF DISCIPLINARY ACTIONS ........................................... 114
SECTION 4 – PROCEDURES GOVERNING SUSPENSION, DISCIPLINARY
 REDUCTION IN PAY, DISCIPLINARY DEMOTION
 AND TERMINATION ......................................................................................... 115
SECTION 5 – PROCEDURES GOVERNING NAME CLEARING HEARINGS .......... 120
SECTION 6 – PLACEMENT ON PAID ADMINISTRATIVE LEAVE
 PENDING DETERMINATION OF DISCIPLINARY ACTION ...... 120
SECTION 7 – DISCIPLINARY RECORDS ............................................................. 120
SECTION 8 – GRIEVANCE PROCEDURE .......................................................... 120

CHAPTER 10 – EMPLOYEE SAFETY ................................................................. 122

SECTION 1 – DRUG AND ALCOHOL- FREE WORKPLACE ............................. 122
SECTION 2 – GENERAL SAFETY ...................................................................... 126
SECTION 3 – SAFETY RULES ........................................................................... 127
SECTION 4 – EMPLOYEE PARTICIPATION IN MAKING
  SAFETY A HIGH PRIORITY ................................................................. 129
SECTION 5 – SAFETY COMMITTEE ................................................................. 131
SECTION 6 – WEAPONS .................................................................................. 131
SECTION 7 – EQUIPMENT USE AND CARE .................................................... 132
SECTION 8 – SAFE USE OF PESTICIDES BY EMPLOYEES .......................... 132
SECTION 9 – SECURITY ..................................................................................... 133
SECTION 10 – PARKING AREAS ..................................................................... 134
SECTION 11 – REPORTING OF INJURY AND ACCIDENTS ............................. 134
SECTION 12 – EMERGENCIES ................................................................. 135
SECTION 13 – VEHICLE USAGE ................................................................. 137
SECTION 14 – ANTI-VIOLENCE POLICY ......................................................... 141
CHAPTER 11 – SEPARATION FROM EMPLOYMENT............................................. 147

SECTION 1 – RESIGNATION ........................................................................ 147
SECTION 2 – EXIT INTERVIEW .................................................................. 147
SECTION 3 – LAYOFF/REDUCTION IN FORCE/RECALL ............................. 147
SECTION 4 – ABANDONMENT OF EMPLOYMENT ..................................... 150
SECTION 5 – RETIREMENT OR END OF SERVICE RECOGNITION ............ 150
SECTION 6 – TERMINATION OF AT-WILL MANAGEMENT EMPLOYEES .... 151

APPENDIX A - FORMS ................................................................................. 152

APPENDIX B - IT RESPONSIBLE USE ADMINISTRATIVE POLICY

APPENDIX C - USE OF SOCIAL MEDIA SITES CITY COUNCIL POLICY

APPENDIX D - CITY WEBSITE CITY COUNCIL POLICY

APPENDIX E - TRANSPORTATION, TRAVEL, AND MEETING EXPENSE ADMINISTRATIVE POLICY

APPENDIX F - CELL PHONE STIPEND ADMINISTRATIVE POLICY
ACKNOWLEDGEMENT OF RECEIPT OF PERSONNEL POLICIES AND PROCEDURES MANUAL

Each employee shall verify that he/she has been given a copy of this manual. The acknowledgement shall be dated and signed by the employee and the original maintained in the employee’s personnel file.

ACKNOWLEDGEMENT OF RECEIPT

I have been given a copy of the City of Yorba Linda’s Personnel Policies and Procedures Manual. This Manual applies to all employees of the City and to others as indicated.

I understand that it is my responsibility to read the Manual.

I further understand that the Manual contains important information governing my employment with the City of Yorba Linda, including regulations and obligations that are expected of me as a City employee. Furthermore, I understand that I am obligated under the California Constitution that I am declared to be a Disaster Service Worker, as outlined in Government Code 3102.

I understand that my failure to comply with these policies may result in disciplinary action, up to and including termination. If I have questions concerning these policies, I will bring them to the attention of my supervisor, manager, department head, Human Resources Manager or City Manager.

I understand that because it is not possible to anticipate every situation that may arise in the workplace and because laws and programs change, the City reserves the right to modify, supplement, rescind, or revise any provisions of this Manual (other than the employment at-will provisions and provisions compelled by law), at any time as it deems necessary or appropriate in its sole discretion, without a written revision of this Manual.

I understand that nothing in this Manual is intended to create a contract of employment with the City, or to create an expectation of continued employment for any specified term.

I understand that the original of this acknowledgement of receipt will be placed in my personnel file.

Dated: ____________________________

Employee’s Name

_________________________________

Employee’s Signature
INTRODUCTION

SECTION 1 - INTRODUCTION

This Personnel Policies & Procedures Manual ("Manual") applies to all employees of the City. The provisions of this Manual shall not apply to any of the offices or positions listed below:

1. Elected Officials;
2. Members of boards, commissions, and committees appointed by the City Council;
3. Persons engaged under contract to supply expert, professional, technical, or other services;
4. Volunteer personnel;
5. The contract City Attorney and all persons working under the City Attorney; and
6. All positions held, occupied, or performed by employees of other government agencies under contract with the City to provide certain services.

This Manual contains Employment Policies of the City of Yorba Linda. Each City employee or the employees’ recognized Employee Association is responsible for knowing and understanding its contents. In addition, each City employee is responsible for knowing, understanding, and adhering to any specific departmental policies, as well as applicable City Council and/or Administrative Policies of the City.

New laws that come into existence will require periodic revisions to this Manual. The City will make efforts to provide each City employee with notification of any change; however, each employee is responsible for consulting the most recent edition of this Manual. Any new changes in law enacted, but not expressly documented in the most recent edition of this Manual, shall supersede this Manual, and the City shall comply with all new regulations. Additionally, when this Manual is in conflict with the City’s Memoranda of Understanding (MOUs) with a recognized Employee Association, the language in the MOUs shall supersede contradictory language in this Manual. While it is not possible to anticipate every situation that may arise in the workplace and because laws and programs change, the City reserves the right to modify, supplement, rescind, or revise any provisions of this Manual (other than the employment at-will provisions and provisions compelled by law), subject to the meet and confer requirements on matters within the scope of representation, at any time as it deems necessary or appropriate in its sole discretion, without a written revision of this Manual. No provision of this Manual shall nullify the City’s obligations under Government Code Section 3500 et seq. ("MMBA") to its employees or their recognized Employee Associations.

SECTION 2 – PURPOSE

It is the purpose of this Manual to communicate the various personnel policies, principles, rules, practices, and procedures that govern employment with the City of Yorba Linda and to put into practice the personnel and Human Resources provisions previously contained in the City’s Administrative Policies, City Employee Handbook, City Municipal Code, and City Council Resolutions addressing personnel policy, now incorporated within this Manual.

Every effort has been made to align this Manual with the most current MOUs, between the City and recognized employee organizations and Resolutions for Management, Mid-Management, and Miscellaneous employee service groups. **If there is any conflict between these practices and**
procedures and any MOU or Resolution authorizing pay and benefits, the provisions contained in the MOU or Resolution authorizing pay and benefits shall take precedence. In addition, nothing in these practices shall be deemed to supersede applicable state or federal law.

These provisions are enacted by the City in order to further the following goals:

1. To provide an equitable and uniform system of personnel administration.
2. To ensure that recruitment, selection, placement, promotion, retention, and separation of employees are based upon qualifications and fitness and are in compliance with federal and state laws.
3. To assist supervisors and managers in the development of sound management practices and procedures.
4. To promote communication among directors, managers, supervisors, and employees.
5. To ensure, protect, and clarify the rights and responsibilities of City employees.
6. To promote fairness and consistency in the handling of employee issues by providing employees, supervisors, and management with guidance and procedures.

As authorized by the City Council and Chapter 2.4 – Personnel – of the City of Yorba Linda Municipal Code, the City Manager has adopted the practices and procedures in this Manual. The City Manager will periodically review and must approve all additions, amendments, and revisions to the practices and procedures contained herein. As needed, the City specifically reserves the right to repeal, modify, or amend this document at any time, with or without notice, to conform to statutes and other documents to improve the quality of this Manual, subject to the meet and confer obligations of the MMBA with recognized Employee Associations on matters within the scope of representation. Any revisions to this Manual will be approved by resolution of the City Council. Amendments and revisions of these rules may be suggested by any interested party and submitted to the City Council for consideration through the City Manager.

All employees are expected to abide by these rules as required for continued employment with the City. Violation of these rules, or any department rules pursuant to these rules shall constitute grounds for rejection, reprimand, suspension, demotion, reduction in pay, or disciplinary action up to and including termination.

**SECTION 3 – MANAGEMENT RIGHTS**

The City retains, whether exercised or not, solely and exclusively, all express and inherent rights and authorities with respect to determining the level of, and the manner in which, the City’s activities are conducted, managed and administered. These management rights include, but are not limited to the following:

1. The right to determine and modify the organization of City government and its constituent work units;
2. The right to determine the nature, standards, levels, and mode of delivery of services to be offered to the public;
3. The right to determine the methods, means, and the number and kinds of personnel by which services are to be provided;

4. The right to determine whether goods or services shall be made or provided by the City, or shall be purchased, or contracted for;

5. The right to direct the work force, including the right to hire, promote, demote, or transfer an employee;

6. The right to direct employees, including scheduling and assigning work, work hours, and overtime;

7. The right to discharge, suspend, demote, reduce in pay, reprimand, withhold salary increases and benefits, or otherwise discipline employees subject to the requirements of applicable law and subject to the procedures set forth in these rules;

8. The right to determine assignments and to establish methods and processes by which assignments are performed;

9. The right to transfer employees within departments and to positions outside a department in a manner most advantageous to the City;

10. The right to determine and change, at its sole discretion, the number of locations, relocations and types of operation and the processes and materials to be employed;

11. The right to evaluate employees, and to establish employee performance standards and to require compliance therewith;

12. The decision to relieve employees from duty because of lack of work, lack of funds, or for other legitimate reasons as defined in Chapter 11, Section 3;

13. The right to implement rules, regulations, and directives consistent with the law;

14. The right to take necessary action to protect the public and carry out its mission in emergencies;

15. The right to determine the content of job classifications and to determine salary ranges for new job classifications prior to appointment of any persons to fill such classifications;

16. The right to contract/subcontract work to outside public or private entities;

17. The right to determine the compensation and benefits that will be paid or provided to employees;

18. The right to make employment decisions;

19. The right and responsibility of final decisions regarding wages, hours, and other terms and conditions of employment. Such right and responsibility shall be within the exclusive discretion of the City Council; and
20. Subject to the requirements of the MMBA, the right to amend or recommend amendments to the City's Resolution promoting relations and communications between the City of Yorba Linda and its employees.

Decisions under this article shall not be subject to the grievance procedure herein. Failure by the City to exercise and/or implement any rights expressly provided for in its policy documents shall in no way extinguish and/or diminish the City's right to do so in the future.

SECTION 4 – DEFINITIONS

The following terms are defined and utilized throughout this Manual, which are not intended to be a fully inclusive list. Additional terms are utilized throughout the Manual which shall be interpreted within the context of the Chapter and Section of this Manual in which the term is utilized.

1. Advancement - "Advancement" means a salary increase within the limits of a pay range established for a position.

2. Allocation - "Allocation" means the assignment of a position to its proper class in accordance with the duties performed, and the authority and responsibility exercised.

3. Applicant - "Applicant" means and includes any person who has submitted a completed and signed application for employment with the City.

4. Appointing Power - "Appointing Power" means an employee of the City who, in his or her official capacity, has the final authority to make an appointment to a position.

5. Appointment - "Appointment" means the employment of a person in a position.

6. At-Will Employee – See Chapter 4, Section 2.

7. City - "City" means the City of Yorba Linda.

8. Class - "Class" means a group of all positions sufficiently similar in duties, authority, responsibility and minimum qualifications to permit the application with equity of common standards of selection, transfer, promotion and compensation.

9. Competitive Service - "Competitive Service" means all positions of employment in the service of the City except those at-will positions specifically excluded by policy within this Manual.

10. Confidential Employee – See Chapter 4, Section 2.

11. Demotion - "Demotion" means the removal of an employee from a presently assigned classification to a lower paying classification. [Note: This definition does not apply to assignment changes, reorganizations, or reductions in force (bumping) even where a pay differential is involved.]

12. Disaster Service Worker – See Chapter 4, Section 2.
13. **Discipline** - “Discipline” means action taken by the appointing power or his/her designee to reinforce adherence to policies and procedures and correct conduct, behavior and/or performance which fall below acceptable standards, and/or which violate rules, regulations, laws and policies; such action may penalize employees up to and including termination.

14. **Eligible** - "Eligible" means a person whose name is on an employment or reemployment list.

15. **Employee** – “Employee” means and includes any person occupying a position in the competitive service, any at-will member of the City’s Management staff, and any part-time staff hired by the City on a temporary basis.

16. **Employment List** - "Employment List" means and includes the following:
   
a. "Open Employment List" means a list, in order of final ranking, of the names of all persons who have submitted applications for an open-competitive or continuous recruitment for a position in the competitive service and qualified.
   
b. "Internal Employment List" means a list, in order of final ranking, of the names of all City employees who have submitted applications for an internal recruitment for a position in the competitive service and qualified, except that the name of any person who has separated from the competitive service shall be removed from the internal employment list. The name of a laid-off employee shall not be removed from the internal employment list unless his or her name has also been removed from the reemployment list.
   
c. "Reemployment List" means a list of the names of probationary and permanent employees in a given class who have been laid-off.

17. **Exempt Employee** – See Chapter 4, Section 2.

18. **Hearing Officer** – “Hearing Officer” means an internal level of management, or City Manager-appointed professional, who can effectively and impartially review and recommend that a proposed disciplinary action be taken or not taken.

19. **Job Series** – “Job Series” means a series of position classifications that perform similar duties at increasing degrees of complexity (e.g. Accounting Clerk, Accounting Technician, Accountant, and Senior Accountant).

20. **Last Working Day** - An employee’s “Last Working Day” is the day the employee spends his/her last full scheduled work day physically present at their normal job location rendering the particular service for which they have been employed.

21. **Non-Exempt Employee** – See Chapter 4, Section 2.

22. **Overtime** - "Overtime" means the total number of hours worked in excess of forty (40) hours within a given work period as defined by the City Manager.
23. **Personnel Officer** – “Personnel Officer” is defined as the City Manager in Chapter 2.40 of the City’s Municipal Code. The City Manager may designate one or more City employees to act on his/her behalf to implement the City’s various personnel regulations, policies, and procedures. Whenever the term “City Manager” is used in this Manual, those designees are understood to be included.

24. **Permanent Employee** - See Chapter 4, Section 2.

25. **Permanent Part-Time Employee** – See Chapter 4, Section 2.

26. **Position** - "Position" means a work assignment with specific duties, knowledge, skills and other requirements.

27. **Probationary Period** - "Probationary Period" means a working test period during which an employee is required to demonstrate his or her fitness for the position to which he or she has been appointed or promoted by actual performance of the duties of the position.

28. **Promotion** - "Promotion" means the movement of an employee from one class to another class having a higher maximum rate of pay.

29. **Progressive Discipline** – “Progressive Discipline” means the corrective process of applying penalties short of termination, or long-term demotion or suspension, where conduct is of a less serious nature and the employee has not repeatedly engaged in such conduct. The nature of such discipline should be appropriate to the conduct and need not begin with the least serious disciplinary action. Acceptance of the principle of progressive discipline does not limit the City's authority to take appropriate action including termination, demotion, or suspension for serious offenses, which cannot and will not be condoned.

30. **Recruitment** - "Recruitment" means and includes the following:
   
a. "Open-Competitive Recruitment" means a recruitment for a particular position which is open to all persons meeting the qualifications for the position.

b. "Internal Recruitment" means a recruitment for a particular position, admission to which is limited to permanent and probationary employees in the competitive service who meet the minimum qualifications for the position.

c. "Continuous Recruitment" means an open-competitive examination which is administered periodically, as need arises, and as a result of which names are placed on an open employment list.

31. **Temporary Part-Time (Seasonal) Employee** – See Chapter 4, Section 2.

32. **Volunteer** – See Chapter 4, Section 2.
CHAPTER 1 – ORGANIZATION AND BUSINESS PRACTICES

SECTION 1 – PERSONNEL OFFICER – POWERS & DUTIES

The City Manager shall be the Personnel Officer. The City Manager may delegate any of the powers and duties conferred upon him/her as Personnel Officer under these rules to any other employee of the city or may recommend that such powers and duties be performed under contract.

The Personnel Officer, herein after referred to as “City Manager” shall:

1. Administer all the provisions of the personnel rules adopted by resolution.

2. Prepare and recommend to the City Council personnel rules and any subsequent revisions and amendments to such rules that may later be considered advisable. The City Attorney shall review and approve such rules and amendments prior to their submission to the City Council.

3. Prepare or cause to be prepared a plan to allocate positions in the competitive service, as well as at-will and temporary positions, to certain classes, and any revisions of the plan that may, from time to time, be deemed appropriate. In the course of preparing or causing to be prepared such a plan, the duties and responsibilities associated with each position in the competitive service shall be ascertained through consultation with appointing powers and department heads and recorded. The plan and any revisions thereto shall become effective upon adoption by resolution of the City Council.

4. Prepare or cause to be prepared a plan of compensation covering all classes of positions in the competitive service, as well as any at-will and temporary positions, and any revisions thereto which may, from time to time, become necessary. In arriving at salary rates or ranges, the City Manager, or anyone designated by him or her to prepare the compensation plan shall consider prevailing rates of pay and working conditions for comparable work in other public or in private employment, current costs of living, suggestions of department heads, the City’s financial conditions and policies, and other relevant factors. The plan, and any revisions thereto, shall become effective upon adoption by resolution of the City Council.

5. Provide for the posting of notices of examination for positions in the competitive service, the receiving of applications therefor, the preparation, administration and evaluation of such examinations, and the certification to the appointing power of an employment list composed of the names of all persons eligible for appointment to any position in the competitive service in which there is a vacancy.

6. Maintain a service or personnel record for each employee in the service of the City showing the name, title of position held, the department to which assigned, salary, changes in employment status, special training completed, employee performance evaluations, and such other information as may be considered pertinent.

Every appointment, transfer, promotion, demotion, change of salary, and any other temporary or permanent change in status of employees shall be reported to the City Manager in such manner as he or she may prescribe.
SECTION 2 – EMPLOYEE ASSOCIATIONS

There are three (3) service designations for Permanent Employees:

1. **Miscellaneous Service:**
   
The City has authorized the Orange County Employees Association to represent the Miscellaneous employees, including certain confidential employees. Generally, membership consists of non-management personnel. Refer to the Memorandum of Understanding (MOU) to see a list of classifications that are covered by this designation.

2. **Mid-Management Service:**
   
The City has authorized the City Employees Associates to represent Mid-Management employees, including certain confidential employees. Generally, membership consists of division managers. Refer to the Memorandum of Understanding (MOU) for a list of classifications covered by this designation.

3. **Management Service:**
   
Employees in the Management service include the Assistant City Manager and Department Heads. Management Service positions are employed in an at-will capacity and are exempt from the competitive service. Refer to the Resolution for Management employees for a list of classifications that are covered by this designation. Though not a member of the Management Service, the City Manager is also employed in an at-will capacity.

Employees are free to make their own choice about joining or not joining an employee organization. Dues for membership may be payroll deducted. The City Manager may provide the names of Association representatives upon request. Temporary part-time employees serve at the pleasure of the City Manager and are not members of an Employee Association.

The City shall not deduct any agency fee from the paycheck of any employee who elects not to join a recognized Employee Association.

SECTION 3 – ASSOCIATION MEETINGS – MISCELLANEOUS SERVICE

The president of the Miscellaneous Employee Association, or his/her designee, shall be granted time during normal business hours not to exceed six (6) hours per fiscal year to conduct Association business. The Association president, or his/her designee, shall provide an accounting of his or her Association business related hours to the City Manager upon request and shall record such time on his or her timesheet.

SECTION 4 – EQUAL EMPLOYMENT OPPORTUNITY/DISCRIMINATION FREE WORKPLACE

The City is an equal opportunity employer and makes employment decisions on the basis of merit. The City wants to have the best available persons in every job. The City’s Unlawful Discrimination and Harassment Policy, described in Section 5 below, prohibits unlawful discrimination.
SECTION 5 – UNLAWFUL DISCRIMINATION AND HARASSMENT

The City of Yorba Linda maintains a strict policy prohibiting discriminatory harassment in accordance with State and Federal law. This policy applies to all City employees including management personnel, applicants, interns, volunteers, and persons providing services pursuant to a contract.

5.1 Statement of Policy

It is the policy of the City of Yorba Linda to treat its employees and volunteers with respect and dignity, and to provide a work environment free of unlawful discrimination and harassment. The City therefore prohibits all forms of unlawful harassment in the workplace including sexual, verbal, physical, and visual harassment based on participation in a protected group including race, color, creed, gender (including gender identity and gender expression), religion (all aspects of religious beliefs, observance or practice, including religious dress or grooming practices), marital status, registered domestic partner status, age, national origin (includes language use and possession of a driver's license issued to persons unable to prove their presence in the United States as authorized under federal law), ancestry, physical or mental disability, medical condition (including cancer or a record or history of cancer, and genetic characteristics), sex (including pregnancy, childbirth, breastfeeding or related medical condition), genetic information, sexual orientation, military and veteran status, or any other consideration made unlawful by federal, state, or local laws, and political beliefs, expressions, or activities. It also prohibits unlawful discrimination based on the 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, and any other basis protected by federal, state, or local law, ordinance, or regulation (“a protected category”). All such discrimination is prohibited.

Employees can raise concerns, report problems, or make complaints without fear of reprisal of any kind (see Section 5.4 Procedure for Complaint Resolution below). Anyone found to be engaging in any type of unlawful discrimination, harassment, or abusive behavior will be subject to corrective action, up to and including termination.

Management employees, Permanent employees, Permanent Part-Time employees, Temporary Part-Time employees, contract employees, or volunteers who permit or engage in such harassment or fail to take appropriate steps to report or investigate such conduct may be subject to prompt and appropriate disciplinary action up to and including termination.

5.2 Sexual Harassment

Sexual harassment is the deliberate or repeated behavior of a sexual nature that is unwelcome. As defined by the Fair Employment and Housing Commission, sexual harassment is unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser.

Sexually harassing conduct is that which can occur between people of the same or different genders. Conduct in violation of this policy is considered an illegal employment discrimination practice when:

1. Such conduct is made either explicitly or implicitly as a term or condition of an individual’s employment;
2. Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting an individual;

3. Such conduct is sufficiently severe or pervasive as to create a discriminatory, hostile, or offensive work environment based on an employee’s race, color, religion, gender, sexual orientation, age, national origin, disability, veteran status, or marital status; or

4. Such conduct is sufficiently severe or pervasive to alter the conditions of employment.

The following is a partial list of conduct that could be considered sexual harassment:

1. Unwanted sexual advances;

2. Offering employment benefits in exchange for sexual favors;

3. Making or threatening reprisals after a negative response to sexual advances;

4. Visual conduct, such as leering, making sexual gestures, displaying of sexually suggesting objects or pictures, cartoons, or posters;

5. Verbal conduct, such as making or using derogatory comments, epithets, slurs, jokes, and suggestions about another employee’s gender or sexuality;

6. Verbal sexual advances or propositions;

7. Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations; or

8. Physical conduct, such as touching, assault, impeding, or blocking movements.

5.3 Bullying and Abusive Conduct

In addition to the foregoing, the City prohibits bullying or abusive conduct by its supervisors, employees, contractors, customers, volunteers, or vendors. The City will not tolerate this behavior, and employees found in violation of this policy will be disciplined up to and including termination.

The City defines bullying as repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others at the place of work and/or in the course of employment. The City considers the following types of behavior as examples of bullying:

1. Verbal bullying: Slandering, ridiculing or maligning a person or his/her family; persistent name calling that is hurtful, insulting, or humiliating; using a person as the butt of jokes; abusive and offensive remarks.

2. Physical bullying: Pushing, shoving, kicking, poking, tripping, assault, or threat of physical assault; damage to a person’s work area or property.
3. **Gesture bullying**: Nonverbal threatening gestures or glances that convey threatening messages.

4. **Exclusion**: Socially or physically excluding or disregarding a person in work-related activities.

All such conduct violates City policy.

Abusive conduct is defined to mean conduct of an employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. A single act shall not constitute abusive conduct, unless especially severe and egregious.

5.4 **Procedure for Complaint Resolution**

Any acts of unlawful discrimination, harassment, sexual harassment, abusive conduct, or bullying shall be reported immediately to the employee’s supervisor, manager, department head, Human Resources Manager, or City Manager. Such complaints will be submitted to the City Manager who will investigate the complaint or cause an investigation to be conducted in a confidential and timely manner. Any individuals who have knowledge of conduct or information regarding the matter shall be interviewed. Employees may utilize the Employee Complaint Form included in the Appendix of this manual to file a complaint.

In reaching a decision about the complaint, the investigator may take into account:

1. Statements made by complainant, witnesses, or others who may provide information;

2. Details and consistency of each person’s account;

3. Evidence of how the complainant reacted to the incident;

4. Evidence of past instances of harassment by the accused; and

5. Evidence of past harassment complaints found to be untrue.

The City Manager shall take prompt corrective action to eliminate any unlawful harassing behavior to address the effects on the person subjected to the harassment and to prevent any further instances of harassment. This may consist of disciplinary action up to and including termination of employment services, training, or other remedial actions. If no illegal harassment is found, no corrective action will be taken.

Each department head, manager, and supervisor are responsible and legally liable for setting a positive example of appropriate behavior in the work place and for ensuring a work environment free of unlawful harassment.

Any employee filing an intentionally false claim shall be subject to disciplinary action.
5.5 **Retaliatory Behavior**

The City prohibits retaliation against individuals who raise complaints of discrimination, harassment, or retaliation, or who participate in workplace investigations. No retaliatory behavior of any kind shall be tolerated, and such behavior may result in separate disciplinary action.

**SECTION 6 – WHISTLEBLOWER PROTECTION**

6.1 **Purpose**

To encourage employees to report information concerning any allegedly improper governmental action by the City’s employees. To prevent retaliation against any employee who in good faith reports such allegedly improper governmental action. This policy reflects the City’s ongoing effort to support open, ethical, accountable, and transparent local government.

6.2 **Background**

The City of Yorba Linda is committed to protecting its revenue, property, information, and other assets from any improper action or wrongdoing by members of the public, contractors, subcontractors, agents, intermediaries or its own employees. This policy implements the California whistleblower protection laws set forth in Government Code section 8547 *et seq.*, Government Code section 9149.20 *et seq.*, Government Code section 53296 *et seq.*, and Labor Code section 1102.5.

6.3 **Policy**

The City will take all appropriate steps to thoroughly evaluate any allegations of improper governmental action which are brought to its attention. The City will not take retaliatory action against any employee who, in good faith, has made a complaint or allegations concerning improper governmental action.

6.4 **Definitions**

1. “Improper governmental action” means any action by a City employee that is undertaken in the performance of the employee’s official duties, whether or not within the scope of the employee’s employment, and that is in violation of any federal, state, or local law, rule, or policy, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds. “Improper governmental action” shall not include any personnel or labor actions.

2. “Retaliatory action” means any adverse change in an employee’s employment status or the terms and conditions of employment including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, termination, or any other disciplinary action; or hostile actions by another employee towards the employee that were encouraged by a supervisor or senior manager or official.

6.5 **Reporting Alleged Improper Governmental Action**
Every City employee has the right to report to the appropriate person (as specified in this policy) information concerning an alleged improper governmental action.

Any City employee who desires to report alleged improper governmental action should first report in writing such action to the employee’s immediate supervisor provided the supervisor is not involved in the alleged improper governmental action, stating in detail the basis for the employee’s belief that an improper governmental action has occurred. The written report should be submitted as soon as the employee becomes aware of the improper governmental action.

When the alleged improper governmental action involves the employee’s immediate supervisor, the employee should report in writing such action to the City Manager or Human Resources Manager. If the alleged improper governmental action involves the City Manager, the employee should report in writing such action to the City Attorney or the Mayor.

Except in the case of an emergency, a City employee shall not provide information of an improper governmental action to a person or entity other than specified above. An employee who fails to make a good faith attempt to follow the procedure set forth herein for reporting alleged improper governmental action shall not receive the protections of this policy.

6.6 Investigation of Alleged Improper Governmental Action

The City will take all appropriate steps to thoroughly evaluate and investigate any alleged improper governmental action that is brought to its attention. The City will determine when circumstances warrant an investigation and the appropriate investigative process to be followed, in accordance with applicable laws, policies, and regulations.

The City shall keep confidential the identity of the person reporting the alleged improper governmental action to the extent possible within the limitations of the law and the legitimate need to know in order to carry out an investigation, unless the employee authorizes in writing the disclosure of his or her identity.

6.7 Whistleblower Protection

1. Retaliatory Action Forbidden

No City official or employee shall take retaliatory action against a City employee because the employee provided information in good faith in accordance with the provisions of this policy that an improper governmental action occurred.

2. Procedure for Seeking Relief against Retaliatory Action

If an employee believes he or she has been subject to retaliatory action in violation of this policy, the employee must provide a written complaint to the employee’s immediate supervisor, provided the supervisor is not involved in the alleged retaliatory action. The complaint must specify the alleged retaliatory action and the relief requested.

If the alleged retaliatory action involves the employee’s immediate supervisor, the employee should report in writing such action to the City Manager or Human Resources Manager.
Resources Manager. If the alleged retaliatory action involves the City Manager, the employee should report in writing such action to the City Attorney or the Mayor.

The written complaint of alleged retaliatory action must be submitted no later than thirty (30) calendar days after the occurrence of the alleged retaliatory action. The City will then have thirty (30) calendar days to investigate and respond to the complaint and the request for relief.

6.8 Bad Faith Allegations

Any individual who knowingly makes a false or bad faith complaint or who knowingly makes a false or misleading statement during an investigation will be subject to disciplinary or legal action. Where the results of the investigation determine that a complaint or allegation was made in bad faith, the City Manager in consultation with the City Attorney, will determine the action that is to be taken with respect to the complainant.

SECTION 7 – COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA)

It is the policy and practice of the City to comply fully with the Americans with Disabilities Act (ADA) and ensure equal opportunity in employment for all qualified persons with disabilities. The City is committed to ensuring non-discrimination in all terms, conditions and privileges of employment. All employment practices and activities, whether provided or conducted by the City or another entity on the City’s behalf, will be conducted in a non-discriminatory basis.

Pre-employment physical examinations are required only for those positions in which there is a bona fide job-related physical requirement and are given to all persons entering the position only after conditional job offers. Medical records are kept separate and confidential.

Reasonable accommodation is available to all employees and applicants. Work sites will be accessible. All employment decisions are based on the merits of the situation in accordance with defined criteria not the disability of the individual.

 Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as job assignments, classifications, organizational structures, position descriptions, lines of progression, and seniority lists. Leave of all types will be available to all employees on an equal basis. In accordance with the ADA, the City prohibits retaliation against anyone bringing to its attention an unlawful practice, participating in an ADA proceeding, or exercising his or her rights under ADA.

The City is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

Any person that may find barriers involving City facilities or equipment, necessary for reasonable accommodations of a disability, may address their concerns or complaint to his/her supervisor or the City Manager. The complaint shall be in writing, if possible, and contain specifics regarding the problems and suggested accommodations to rectify the condition.
SECTION 8 – REASONABLE ACCOMMODATION

The City has a commitment to ensure equal opportunities for disabled applicants and employees. Every reasonable effort will be made to provide an accessible work environment for such employees and applicants. Employment practices (e.g. hiring, training, testing, transfer, promotion, compensation, benefits, and termination) will not discriminate against disabled applicants or employees.

The City will engage in the interactive process, as defined by the ADA and FEHA to determine whether an applicant or employee is able to perform the essential functions of his/her position. During this process, the City will examine possible reasonable accommodation(s) that will make it possible for the employee or applicant to perform. Such interactive process will include a meeting(s) with the employee or applicant and his/her representative(s) if any, and the City.

Reasonable accommodation(s) can include, but are not limited to, job restructuring, reassignment to a vacant position for which the employee is qualified, and making facilities accessible. While the City is engaged in the interactive process with an employee, the City may require that the employee provide documentation from their physician that the employee can perform the essential functions of the job with or without reasonable accommodation(s) and/or be placed on leave.

After receipt of reasonable documentation of disability and/or physician documentation, the City will arrange for a discussion in person or via telephone conference call with the employee and his/her representative(s), if any. The purpose of the discussion is to work in good faith to fully discuss all feasible potential reasonable accommodation(s).

The City determines in its sole discretion whether reasonable accommodations(s) can be made and the type of accommodation(s) to provide. The City will not provide accommodation(s) that would pose undue hardship upon City finances or operations, or that would endanger the health or safety of the employee or others.

SECTION 9 – INFORMATION SECURITY AND CONFIDENTIALITY

All employees are expected to maintain confidentiality of City affairs, particularly as they relate to personnel, legal, business development, and other sensitive areas. If an employee is not clear on what is or is not a confidential matter, he/she should contact their direct supervisor, department director, Human Resources Manager, or City Manager as appropriate, for clarification. Maintaining confidentiality of sensitive material and information is the responsibility of every employee, whether or not they are designated as a “confidential” employee in the City’s classification system. The IT Responsible Use Administrative Policy (Appendix B to this Manual), includes important additional information regarding the handling of confidential information as it relates to electronic data housed and/or transmitted on the City’s computer systems and network.

Regardless of how an employee may have learned or become aware of confidential information, even if he or she would otherwise not be privy to it, the employee is responsible for not conveying the information any further. Appropriate disciplinary action will be taken in the event that an employee has violated this policy. The exact nature of the disciplinary action will depend upon the nature and circumstances of the event.

Employees are expected to cooperate in an honest and forthright manner during any investigation conducted by the City Manager. Any breach of confidentiality may result in disciplinary action, up to and including termination.
**SECTION 10 – PERSONNEL RECORDS**

10.1 **Establishment**

An employee’s official personnel file will contain all records concerning personnel actions taken, including, but not limited to, employment applications, performance evaluations, written confirmation of employment actions (e.g. salary adjustments, reclassifications, promotions), benefit enrollment forms, employee medical records, documents regarding disciplinary actions, educational courses taken, and all employment related documents that give a complete employment history. The City Manager shall keep personnel records confidential to the extent permitted by law. Personnel files may be viewed by the employee upon request. Employee medical information shall be kept in files separate from the official personnel file. Likewise, any grievances filed by an employee as well as documents reflecting a review of such grievances shall be maintained in separate confidential files.

10.2 **Maintenance**

Employees are required to inform the City Manager as soon as possible of any changes in name, address, telephone number, marital status, family status, beneficiaries, or other information on file. This ensures that State and Federal withholding statements, insurance enrollment information, payroll records, and retirement records are correct. Employees may be liable for any costs incurred by the City as a result of inaccurate personnel information.

10.3 **Release of Information Concerning City Personnel**

To ensure personnel information is appropriately and accurately disseminated, the City Manager will initially screen all personnel reference checks and employment verifications, and confidentially handle financial inquiries originating from banks, credit unions, etc. regarding current and past City employees. Responses to financial inquiries will be released only upon employee authorization.

10.4 **Procedures for Release of Information**

All outside inquiries and reference checks shall be forwarded to the City Manager. The City Manager may consult with the City Attorney as to the release of the requested information. The following limited information will be provided with advanced approval from a current or former employee: position title, dates of employment, and current salary or salary upon departure. Department directors and supervisors should not provide information in response to requests for reference checks or verification of employment, unless approved by the City Manager.

Other financial information will be released only after an authorized written request has been submitted to the City Manager by the agency requesting the information and the employee has executed a written approval to release the requested information.

The City Manager shall comply with applicable Federal and State laws regarding release of public employee personnel and financial information and shall consult with the City Attorney whenever there are questions concerning the release of such information.

10.5 **Employees with Access to Confidential Personnel Records**

In performing their duties, employees designated by Management and applicable memoranda of understanding with the City’s employee organizations may have access to confidential information,
including employees’ personnel files and the personal, financial, and medical information of other City employees. In addition, some City employees will be involved in some communications with the City Attorney’s Office which can be protected by the Attorney-Client privilege. Employees with such access are required to keep such information confidential.

10.6 Personnel/Payroll Files – Right to Inspect

California law provides that current and former employees (or a representative) have the right to inspect and receive a copy of the personnel files and records that relate to the employee’s performance or records related to any grievance concerning the employee. Inspections shall be allowed at reasonable times and intervals, but not later than thirty (30) calendar days from the date the City receives a written request. Upon a written request from a current or former employee, or a representative, the City shall provide a copy of the personnel records, at a charge not to exceed the actual cost of reproduction, not later than thirty (30) calendar days from the date the City receives the request.

To facilitate the inspection, the City shall:

1. Maintain a copy of each employee’s personnel records for a period of not less than three (3) years after termination of employment. The City shall keep records for longer periods of time to the extent that such retention is required by law.

2. Make a current employee’s personnel records available for inspection, and if requested by the employee or representative, provide a copy at the place where the employee reports to work, or at another location agreeable to the City and the requester. If the employee is required to inspect or receive a copy at a location other than the place where he or she reports to work, no loss of compensation to the employee is permitted.

3. Make a former employee’s personnel records available for inspection, and if requested by the former employee or representative, provide a copy at the location where the employer stores the records, unless the parties mutually agree in writing to a different location.

The City shall take reasonable steps to verify the identity of a current or former employee or an authorized representative. Prior to making records available for inspection or providing a copy of those records, the City may redact the name of any nonsupervisory employee. The right to inspect personnel files and records does not apply to records relating to the investigation of a possible criminal offense, letters of reference, or ratings, reports, or records that (a) were obtained prior to the employee’s employment, (b) were prepared by identifiable examination committee members, or (c) were obtained in connection with a promotional exam.

The City shall permit current and former employees to inspect or copy payroll records pertaining to that current or former employee. Upon receipt of a written or oral request from a current or former employee to inspect or copy his or her payroll records, the City shall comply with the request as soon as practicable, but no later than twenty-one (21) calendar days from the date of the request.

10.7 Medical Information

All medical information about an employee or applicant is kept separate, and is treated as confidential, in accordance with applicable state or federal law. The City will not obtain medical
information about an employee or applicant except in compliance with the California Confidentiality of Medical Information Act. To enable the City to obtain certain medical information, the employee or applicant will need to sign an Authorization for Release of Medical Information Form.

Access to employee or applicant medical information shall be strictly limited to only those with legitimate need to have such information for City business reasons, or if access is required by law, subpoena, or court order. In case of an employee with a disability, managers and supervisors may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations.

The City will not provide employee or applicant medical information to a third party unless the employee signs an authorization for release of his/her medical information. The City will release only the medical information that is identified in the employee’s authorization. If the employee’s authorization indicated any limitations regarding the use of the medical information, the City will communicate those limitations to the person or entity to which it discloses the medical information.

10.8 **Destruction of Records**

All records relating to personnel may be destroyed in accordance with the City’s adopted document and retention policy or retained, if required, in accordance with applicable law.

**SECTION 11 – EMPLOYEE’S HOME ADDRESS AND STATUS OF DRIVER’S LICENSE – DUTY TO UPDATE**

11.1 **Home Address and Related Changes**

All City employees shall notify his/her supervisor as soon as possible, and the supervisor shall notify the City Manager, of any change in their residential address, telephone number(s), and emergency contact information.

11.2 **Driver’s License Changes**

1. The possession of a valid California Driver’s License is a requirement for all City employment positions. Convictions of certain offenses may restrict or prohibit an employee’s ability to drive City vehicles or operate City equipment. Therefore, all such employees shall promptly notify their supervisor, and the supervisor shall immediately notify the City Manager of any change in Driver’s License status.

2. The changes will be recorded in the employee’s personnel file with a copy sent to appropriate supervisors.

3. Changes in Driver’s License Status will be evaluated by the City Manager on a case-by-case basis to determine whether the employee can fulfill the essential duties of the position, as a result of a change involving temporary suspension or full revocation.
SECTION 12 – OUTSIDE EMPLOYMENT/CONFLICT OF INTEREST

12.1 General Policy

As a public agency, the City must be particularly sensitive to real, potential, or perceived conflicts of interest. The City expects all employees to adhere to the highest ethical and professional standards. Full time and permanent part-time employees are employed on the condition that employment with the City is their primary employment and that they shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, or in conflict with his/her duties, functions, or responsibilities as a City employee. The purpose of this policy is to establish guidelines for City employees regarding dual employment or outside activities that may conflict with City employment.

No City employee shall lend his/her name as an employee of the City to any commercial or business enterprise. No employee shall approve or utilize the name, uniform, or prestige of the City, or any City department, for any such purpose. Because of their knowledge and expertise, outside employment or other income opportunities may become available to City employees. If an employee is considering such an opportunity, he or she must fully disclose the employment opportunity to the City and to have it carefully reviewed to avoid conflict of interest. Failure to disclose potential business opportunities that create a conflict of interest is grounds for disciplinary action up to and including termination.

Employees shall notify the City Manager if they are considering the following:

1. Simultaneous employment by any other employer;
2. Participation in an outside business on their own or with others;
3. Involvement in any other outside activity where they receive compensation.

12.2 Evaluation

The City Manager shall determine if a conflict exists. If a conflict of interest or scheduling problem exists, the City may require an employee to resign from the other employment or outside activity.

An employee’s outside employment, activity, or enterprise may be prohibited if it:

1. Involves the use of City time, facilities, equipment, and supplies, the badge, uniform, prestige, or influence of his/her City department or employment for private gain or advantage.
2. Involves receipt or acceptance by the employee of any money or other consideration from anyone other than the City for the performance of an act which the employee would be required or expected to render in the regular course or hours of his/her City employment or as a part of his/her duties as a City employee.
3. Involves the performance of an act in other than his/her capacity as a City employee which may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement by any other employee of the department in which he/she is employed.
4. Involves such time demands as would render performance of his/her duties as a City employee less efficient.

12.3 Procedure

1. The employee shall request authorization for outside employment from the City Manager by completing the Request to Engage in Outside Employment Form prior to entering into the requested outside employment.

2. The City Manager shall authorize outside employment in accordance with this policy. In the event that a request for outside employment is denied, written comments will be provided to the employee.

3. The City Manager shall furnish the requesting employee with a copy of the Request to Engage in Outside Employment Form indicating approval/denial and forward a copy to the employee’s personnel file.

12.4 Statement of Economic Interest – Form 700

Every elected official and public employee who makes or influences governmental decisions is required to submit a Statement of Economic Interest, also known as the Form 700. The Form 700 provides transparency and ensures accountability. It provides necessary information to the public about an official’s personal financial interests to ensure that officials are making decisions in the best interest of the public and not enhancing their personal finances, and it serves as a reminder to the public official of potential conflicts of interest so the official can abstain from making or participating in governmental decisions that are deemed conflicts of interest. The City shall determine positions that fall under the above requirements and notify such employees accordingly for submittal of initial, annual, and closing statements.

SECTION 13 – USE OF CAMERAS AND VIDEO SURVEILLANCE

The City utilizes video surveillance and camera systems in the workplace for business purposes, including the safety and security of employees. Such cameras and video systems are located in open areas and lobbies. Employees shall not have an expectation of privacy related to the City’s use of these cameras and video surveillance.

SECTION 14 – USE OF CITY SEAL OR CITY DEPARTMENT EMBLEMS

All official seals, emblems or logos, including patches, badges, and business cards, of the City or of any of its departments are the property of the City. Such seals, emblems, and logos shall not be reproduced, duplicated, sold, traded, or given away without the express written permission of the City Manager other than for use in conducting City business.

SECTION 15 – PUBLIC INFORMATION AND NEWS & MEDIA RELATIONS

15.1 General Policy

It is the City’s desire to keep citizens of Yorba Linda fully informed on all matters of public interest. Therefore, it is essential that information given to the public is factual and complete.
Information provided to the public via the City’s website and social media accounts must be accurate and consistent with applicable City policies. Employees should be familiar with the City’s Use of Social Media Sites City Council Policy (Appendix C) and City Website City Council Policy (Appendix D) to ensure that any information published for the public is consistent with these policies.

From time-to-time, the City, its officials and employees are contacted by representatives of the news media, including press, radio, and television. The ultimate authority and the individual responsible for the release of information to the media on behalf of the City is the City Manager. Inquiries from the media requesting information shall be directed to the City’s Communications Coordinator (or any similar position designated as the City’s media contact in the future), Department Heads, the City Manager, or the Assistant City Manager unless specifically instructed otherwise. At no time shall any other City employee make any comment or release any information to the media on behalf of the City without prior approval from the City Manager.

All press releases written or originated by a member of the City staff shall be approved by the City Manager prior to being issued to the news media. Any employee who desires to prepare a written statement to the press/news media, which in any way relates or pertains to City business (other than public notice requirements), must first submit said statement to the City Manager for review and approval prior to its distribution.

The aforesaid requirements are not purposefully designed or in any way intended to infringe upon or violate City employees’ Constitutional Rights as a citizen of the United States.

SECTION 16 – COMMUNICATIONS WITHIN THE WORK PLACE

Open and professional communications are welcomed and encouraged between and among all levels of the organization. Direction and decisions, however, are to be made in accordance with the organizational structure of the City. Employees are encouraged to follow the chain-of-command starting with his/her direct supervisor to resolve issues or problems.

If any area of an employee’s work is causing concern, employees have the responsibility to address their concern with their supervisor. Whether the issue is a problem, a complaint, a suggestion, or an observation, the City is committed to resolving issues at the lowest levels. By listening to employee concerns, the City is able to improve, address complaints, and foster employee understanding of the rationale for practices, processes, and decisions.

Most problems can and should be solved in discussion with the employee’s immediate supervisor; this is encouraged as the first effort to solve a problem. However, an employee may also discuss their issues and concerns with the next levels of management when the matter is unsuccessfully resolved and/or involves the immediate supervisor. No matter which alternative is used to approach an employee’s perceived problem, complaint, or suggestion, the management team within the City organization is willing to listen and to help bring about a solution or a clarification.

By helping to solve problems, managers benefit by gaining valuable insight into possible problems with existing methods, procedures, and approaches. While there may not be an easy answer or solution to every concern, the City of Yorba Linda’s employees have the opportunity at all times to be heard.
Employees may also utilize either the Employee Feedback Form included in Appendix A to this manual or the City’s grievance procedure as a method to raise a concern and to seek resolution.

SECTION 17 – NEPOTISM AND CONFLICTING RELATIONSHIPS

17.1 Purpose and Scope

The purpose of this policy is to ensure effective supervision, safety, security, performance, assignments, and discipline while maintaining positive morale by avoiding actual or perceived favoritism, discrimination, and other actual or potential conflicts of interest by or between employees of the City.

17.2 Definitions

1. Relative – An employee’s parent, step-parent, spouse, domestic partner, significant other, child (natural, adopted, or step), sibling (by blood or marriage), grandparent (by blood or marriage), or another close relative (e.g. aunt, uncle, niece, nephew, first cousin, etc.).

2. Personal Relationship – includes marriage, cohabitation, dating, or any other intimate relationship beyond mere friendship.

3. Business Relationship – serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction where the employee’s annual interest, compensation, investment, or obligation is greater than $250.

4. Conflict of Interest – any actual, perceived, or potential conflict of interest in which it reasonably appears that an employee’s action, inaction, or decisions are or may be influenced by the employee’s personal or business relationship.

5. Supervisor – an employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation, and/or performance of a subordinate employee.

6. Subordinate – an employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

17.3 Restricted Duties and Assignments

While the City will not prohibit personal or business relationships between employees, the following reasonable restrictions shall apply (Government Code 12940(A):

1. Employees are prohibited from directly training, supervising, occupying a position in the line of supervision, or being directly trained or supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

2. If circumstances require that such a supervisor/subordinate relationship exists
3. temporarily, the supervisor shall make every reasonable effort to refer matters involving the involved employee to an uninvolved supervisor.

4. When staffing and circumstances permit, the City will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The City, however, reserves the right to transfer or reassign any employee to another position within the same classification as it may deem necessary in order to avoid conflicts with any provision of this policy.

5. Employees are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers, or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

6. Except as required in the performance of official duties, or in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual(s) who they know or reasonably should know are under criminal investigation, convicted felons, parolees, fugitives, registered sex offenders, or engaging in serious violations of State or Federal laws.

17.4 Employee’s Responsibility

Prior to entering into any personal or business relationship or other circumstance that the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify, in writing, his/her next highest level of supervisor who is uninvolved.

Whenever any employee is placed in circumstances which would require the employee to take enforcement action or provide other official information or services to any relative or other individual(s) with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify the City Manager to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

17.5 Supervisor’s Responsibility

Upon being notified of, or becoming aware of, any circumstance(s) that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to mitigate or avoid such violations whenever possible. Supervisor shall also promptly notify the City Manager of such actual or potential violations through the chain of command.

SECTION 18 – TELECOMMUTING

18.1 General Policy

Telecommuting provides employees with an opportunity to work from an alternative work environment instead of in the employee’s primary location. Telecommuting may be considered for one or more of the following circumstances: 1) compelling personal situations, 2) air quality and trip reduction benefits as deemed necessary by the City Manager 3) reasonable accommodation of an
employee’s medical condition, and 4) other extenuating circumstances where the implementation of this policy will represent increased productivity to both the City and employee as approved by the City Manager. Telecommuting arrangements for individual employees are at the discretion of the City Manager and may be revoked at any time.
CHAPTER 2 – EMPLOYMENT

SECTION 1 – EMPLOYMENT

Chapter 2 of this Manual establishes procedures for all phases of the employment process for full-time and part-time employees. The City Manager will administer and coordinate the recruitment and selection process for all position vacancies to ensure compliance with contractual, legal, and equal employment opportunity requirements. All such hiring efforts are conducted in the spirit of equal opportunity and non-discrimination.

All persons considered for employment with the City of Yorba Linda shall be qualified to perform the duties of the position for which they are employed. All new employees may be required to undergo fingerprinting, background check, medical exams, and pre-employment drug testing before reporting for work. Employees may, depending upon the job applied for, be required to undergo psychological exams and/or polygraphs. All employees shall be required to sign an Oath of Office pursuant to State law.

All full-time and part-time City appointments and promotions shall be based on merit and qualifications as will be determined by the results of any or all of the following testing procedures: written tests, oral interviews, performance tests, physical agility tests, evaluation of work performance, work samples, or any combination of these.

All new employees must provide and maintain necessary documentation to prove identity and the right to work in the United States in accordance with Federal and State Immigration and Naturalization laws (per I-9 Form). Failure to provide such documentation will result in disqualification from selection and/or grounds for immediate termination.

SECTION 2 – APPOINTING AUTHORITY/APPOINTMENT

The City Manager shall serve as the Appointing Authority. Appointing power is granted to certain employees of the City who, in his or her official capacity, have the final authority to make an appointment to a position, as determined by the City Manager.

After examination and investigation, the Appointing Authority shall make appointments from the appropriate employment list(s) in accordance with these personnel rules. If the applicant accepts the appointment and presents himself/herself on or before the date of employment, he/she shall be employed; otherwise, he/she shall be deemed to have declined the appointment. An applicant becomes an employee upon appointment to a position in the competitive service and may achieve permanent status upon successful completion of his or her probationary period. At-will employees do not have a probationary period and become employees upon appointment to their position.

SECTION 3 - RECRUITMENT PROCESS

3.1 General Policy

Recruitments shall be conducted to assist with the selection of qualified candidates. Selection techniques will examine the qualifications of the applicants. An applicant shall include any person who has submitted a completed electronic application for employment with the City and shall be considered eligible when deemed qualified and placed on an employment or reemployment list.
The selection techniques used in the recruitment process shall be impartial and shall relate to the skills and knowledge which, in the opinion of the City Manager, will best facilitate an applicant's successful performance of the duties and responsibilities of the position to which he or she seeks appointment. Tests may include, but are not limited to written tests, oral interviews, performance tests, physical agility tests, evaluation of work performance, work samples, or any combination of these. Pre-employment physical, medical, psychological, and/or drug and alcohol tests may be given as part of any recruitment if required for performing the essential job functions. All examinations given will be job-related and designed to determine a candidate’s knowledge, skills, and abilities to perform the essential job functions.

The probationary period, if applicable, shall be considered part of the recruitment process, and an employee may be rejected during this period without right to appeal. The City Manager will ensure that all recruitment results remain confidential and that the recruitment process appropriately accommodates candidates with disabilities.

3.2 Types of Recruitments

1. **Open-Competitive recruitment** - a recruitment for a particular position that is open to all persons meeting the qualifications for the position.

2. **Internal recruitment** - a recruitment for a particular position, admission to which is limited to permanent and probationary employees in the competitive service who meet the minimum qualifications for the position.

3. **Continuous recruitment** - an open-competitive recruitment that is administered periodically, as need arises, and as a result of which names are placed on an open employment list.

3.3 Scoring of Applicants

The rating system utilized for any recruitment shall be position-specific and designed to identify the best-qualified candidate for the position. An applicant's failure to successfully pass any component of the recruitment process for a position may be grounds for his or her disqualification.

3.4 Notification of Results

Each applicant who has applied for a position shall be sent a written notice (via mail or electronically) of the results.

**SECTION 4 – EMPLOYMENT LISTS**

As soon as possible after the completion of a recruitment, open-competitive or promotional, the City Manager shall prepare and keep available an appropriate employment list. Whenever there are fewer than three (3) names of individuals on an employment list who are willing to accept appointment, the appointing power may either make an appointment from among the names on the employment list or request that the City Manager establish a new list. When so requested, the City Manager shall conduct a new recruitment and prepare a new employment list.
1. **Open employment list** - a list, in order of final ranking, of the names of all persons who have applied in response to an open-competitive or continuous recruitment for a position and qualified.

2. **Internal employment list** – a list, in order of final ranking, of the names of all persons who have applied in response to an internal recruitment for a position and qualified, except that the name of any person who has separated from the competitive service shall be removed from the internal employment list. The name of a laid-off employee shall not be removed from the internal employment list unless his or her name has also been removed from the reemployment list.

3. **Reemployment list** - a list of the names of probationary and permanent employees in a given class who have been laid-off.

4.2 **Duration of Employment Lists**

An employment list, other than an open employment list resulting from a continuous recruitment, shall remain in effect for six (6) months, unless sooner exhausted, and may be extended by action of the City Manager prior to its expiration date, for an additional period of up to six (6) months. An open employment list prepared as a result of a continuous recruitment shall remain in effect for not more than six (6) months after the recruitment has closed, unless sooner exhausted. Names placed on such a list shall be merged with any names already on the list in order of final ranking and shall remain on the list for not more than one year.

4.3 **Reemployment Lists**

The names of probationary and permanent employees who have been laid off as a result of the abolition of their position or a shortage of work or funds therefor shall be placed on a reemployment list. The names shall remain thereon for a period of six (6) months unless the persons are sooner reinstated by the City or sooner notify the City Manager in writing that they wish to remain on the list for an additional six (6) months. In no event shall a name remain on a reemployment list for more than one (1) year.

4.4 **Removal of Names from Employment Lists**

The name of any person appearing on an employment or reemployment list shall be removed from the list by the City Manager if the person requests in writing that his/her name be removed, or if he/she fails to respond to a notification mailed (or sent electronically) to his/her last known address that requests a response. The person affected shall be notified of the removal of his/her name by a notice mailed (or sent electronically) to his/her last known address. The names of persons on promotional employment lists who resign or are separated from the service shall automatically be dropped from such lists.

**SECTION 5 – REFERENCE CHECKS**

Before an offer of employment is extended, the City shall conduct reference checks for finalist candidates. The purpose of the reference check is to verify prior employment duties, dates of employment, performance record, attendance record, and any other pertinent information. Results of the reference check will help determine a candidate’s fit for the position. Reference checks shall be conducted by the hiring supervisor, or as determined by the department head.
The City shall not inquire during the reference check on the current or prior salary/benefits history of an applicant. Consideration for initial salary placement shall be based upon the candidate’s education, training, experience, knowledge, abilities, and skills.

SECTION 6 – CANDIDATE NOTIFICATION

After references are verified and a final decision is reached, the City will notify the selected candidate in writing and make a conditional employment offer, contingent upon passing the required health screening and a criminal background check. When a candidate accepts an employment offer, all other candidates, if any, will be notified in writing that they were not selected for the position.

SECTION 7 – CRIMINAL BACKGROUND CHECKS

7.1 Conditional Job Offer and Applicant Notification

The City shall not seek information about an applicant’s criminal history from any source that did not result in a conviction, nor inquire regarding an applicant’s criminal history information that did not result in a conviction, on any job application or during a job interview. The City may only consider an applicant’s criminal history that led to a conviction after a conditional offer of employment has been made.

Once the City has made a conditional job offer, the City may obtain a candidate’s criminal background history that led to a conviction in accordance with State law. The City will take all necessary steps to ensure that the use of any criminal history information that resulted in a conviction does not result in discrimination based on a protected characteristic. Any employment decision related to an applicant’s criminal history that led to a conviction, following a conditional employment offer, will be job-related and consistent with business necessity.

The City shall notify the applicant in writing what it intends to obtain, obtain the applicant’s authorization to do so, and then shall obtain an investigative consumer report from the Department of Justice seeking a criminal history that only resulted in a conviction using the Live Scan system.

For purposes of defining “conviction”, conviction does not include any adjudication by a juvenile court. Further, the City shall not ask an applicant about any arrest, detention, processing, diversion, supervision, adjudication, or court disposition that occurred while the person was subject to the process and jurisdiction of a juvenile court.

Finally, the City shall not ask an applicant for information about referral to, or participation in, a pre- or post-trial diversion program.

7.2 Evaluation of Results and Applicant Notification

Upon receiving the results, the City Manager shall evaluate them, and if the results do not affect the City’s decision to hire the applicant, the City shall inform the applicant that the conditional offer is now an official offer and move to the next steps of offering official employment.

If the results affect the City’s decision, and the City intends to deny the applicant the position, the City shall first conduct an individualized assessment. The assessment shall be consistent with the
requirements outlined in Section 7.1 above and include:

1. The nature and gravity of the offense or conduct;
2. The time that has passed since the offense or conduct and completion of the sentence; and
3. The nature of the job held or sought.

Following the individualized assessment, the City may determine to deny employment. In such cases, the City shall:

1. Notify the applicant in writing of the intended decision to withdraw the employment offer.
2. Give the applicant at least five (5) business days from receipt to present evidence challenging the accuracy of the reported conviction and/or evidence of mitigating factors or rehabilitation.
3. Give the applicant five (5) additional business days if the applicant is disputing the accuracy of the reported conviction and taking steps to provide evidence to support the dispute.

If an investigative agency was used to obtain the criminal background check for convictions, the City shall provide the applicant with the notice required by the Fair Credit Reporting Act and the California Investigative Consumer Reports Act.

7.3 Consideration of Applicant’s Evidence and Applicant Notification

The City shall consider information submitted by the applicant before making a final decision about whether to hire him/her. If after considering the information, the City determines to hire the applicant, the City shall notify the applicant that the conditional offer is now an official offer and move on to offering official employment.

If the applicant’s information did not change the City’s decision and the City determines to deny the applicant the job, the City shall give a final written notice to the applicant of the final decision to deny employment because of the individual’s criminal background in accordance with State law. The City shall provide a copy of the public records obtained, even if the applicant previously waived his/her right to receive copies.

SECTION 8 – HEALTH SCREENING

8.1 Conditional Offer of Employment Examinations

All applicants being offered employment shall be required to undergo a health screening in order to determine the prospective employee’s fitness to perform the essential functions of the position, in compliance with all applicable laws and prior to conferring appointment.

As part of the required health screening, the prospective employee with a conditional offer of employment may be required to undergo a drug and alcohol screening test by urinalysis. These practices are designed to avoid the hiring of individuals whose use of drugs or alcohol indicate a potential for impaired or unsafe job performance. Prospective employees with a condition offer of employment must sign an authorization of disclosure of the medical information in accordance with the law.
8.2 Current Employee Examinations

The City Manager may require an employee to submit to a fitness for duty examination to determine if the employee is able to perform the essential functions of his/her job when:

1. The employee appears to be unable to perform or has difficulty performing one or more essential functions of his/her job;

2. There is reason to question the employee’s ability to safely or efficiently complete work duties.

Employees who demonstrate difficulties in performing the essential functions of their positions may be required to undergo a health screening. The City will consider reasonable accommodation on a case by case basis.

8.3 Role of Health Care Provider

A City-selected health care provider will examine the employee at City expense. The City will notify and will provide the health care provider with a written description of the essential functions of the employee’s job. The health care provider will examine the employee and provide the City with non-confidential information regarding whether:

1. The employee is fit to perform the essential job functions;

2. There are any reasonable accommodations that would enable the employee to perform the essential job functions; or

3. The employee’s continued employment poses a threat to the health and safety of him or herself or others.

Should the health care provider exceed the scope of the City’s request and provide confidential health information, the City will return the report to the health care provider and request another report that includes only the non-confidential fitness for duty information that the City has requested.

8.4 Medical Information

During the course of a fitness for duty examination, the city will not seek or use information regarding an employee’s medical history, diagnoses, or course of treatment without an employee’s written authorization. Under the Confidentiality of Medical Information Act (CMIA), unless written authorization is received from an employee, the City is only entitled to know whether the employee can perform the essential functions of the job. The City cannot be advised of the medical cause of an employee’s inability to perform.

If an employee requires a reasonable accommodation or is otherwise unable to perform the essential functions of the job, the City is entitled to know the functional limitations on the employee’s ability to perform the job (e.g., the employee cannot stand for extended periods of time; the employee cannot lift objects weighing more than twenty-five (25) pounds, etc.). The City is entitled to ask for clarification from the examiner concerning what an employee can or cannot do.
8.5 Medical Information from the Employee’s Health Care Provider

An employee may submit confidential medical information to the City from his/her personal health care provider. If the employee provides written authorization, the City Manager will submit the information that the employee provides to the City-paid health care provider who conducted the examination. The City Manager will request that the City-paid health care provider determine whether the information alters the original fitness for duty assessment. The City cannot be advised of the medical cause of an employee’s inability to perform.

8.6 Interactive Process

After the receipt of both the health care provider’s fitness for duty report, and the analysis of the employee’s personal health care information (if any), the City Manager will arrange for a discussion(s) with the employee and his/her representatives (if any). The purpose of the discussion will be in good faith to fully discuss all feasible potential reasonable accommodations. During the discussion, the City Manager will also discuss, if relevant, alternative available jobs for which the employee is qualified, or whether the employee qualifies for disability retirement or family and medical leave.

8.7 Determination

After the discussions, the City Manager will review the information received, and determine if there is a reasonable accommodation that would enable the employee to perform essential job functions, or if the accommodations would pose an undue hardship on the City finances or operations. The City Manager will use his/her discretion based upon the particular facts of each case.

SECTION 9 – EMPLOYMENT AGREEMENT

All employees appointed to a full-time position in a City classification defined within this Manual as exempt from the competitive service, shall be considered at-will and may be subject to an Employment Agreement specifying the terms and conditions of employment at the discretion of the City Manager.

SECTION 10 – PROBATION

The probationary period is an integral part of the employment process and provides the opportunity to observe the employee’s work and assist the employee’s adjustment to the new position. During the initial probation period, the probationary employee will have no rights of tenure, and may be terminated without cause either during or at the end of the probation period without the right of appeal or hearing. No reason need be given for rejection of an employee during the probationary period. Permanent full-time and permanent part-time employees within the competitive service are subject to the probationary period.

10.1 Duration

1. All newly hired, full-time permanent employees and permanent part-time employees are subject to a six (6) - month probation period.

2. All promoted employees are subject to a six (6) -month probation period.
3. Employees reclassified to a position in accordance with a re-evaluation of the minimum qualifications, duties, and responsibilities of the position in question and where the employee has assumed those duties and responsibilities shall not be subject to any probationary period.

4. The six (6) -month probation period for promoted and permanent full-time and permanent part-time employees will begin on the promotion or hire date.

5. “At-will” management employees are exempt from any probationary period.

10.2 Extensions

1. Prior to the end of any probation period, the probation period may be extended with the approval of the City Manager.

2. Where an employee has taken unpaid time away from work due to medical reasons or an otherwise approved leave of absence, such time away from work shall be added to the probationary period such that an employee will be required to have “worked” the equivalent of six (6) months prior to achieving “permanent” status.

3. The employee will be notified in writing of such an extension.

10.3 Establishing Permanent Employee Status

All persons holding a position included in the competitive service who have served for a period equal to the six (6) - month probationary period for his or her position shall assume permanent status in the competitive service in the position held on such effective date and shall thereafter be subject in all respects to the provisions of this Manual.

SECTION 11 – PROMOTION

Employees are encouraged to discuss with their supervisor what opportunities for advancement are available and the necessary qualifications in order to be eligible for such promotions. A promotion is the appointment of an employee from one classification to a classification having a higher base salary range. A promoted employee shall be compensated at the entrance step of the new range or the closest step that is greater than or equal to a one-step increase in compensation, whichever is greater, provided that no employee is thereby advanced above the top step of the higher base salary range. The promotion effective date shall be the first day of the pay period following the approval of the appointment. Additionally, a new anniversary date shall be established which shall be six (6) months from the effective date of the promotion for merit increase eligibility purposes unless the employee is appointed at step C or higher, in which case the new anniversary date shall be twelve (12) months from the effective date of the promotion.

Full-time and part-time employees interested in promotional opportunities shall provide a completed City Employment Application for the available position and submit it to the City Manager by the recruitment’s stated closing date. A supplemental questionnaire may also be required, as noted on the job announcement. The City Manager shall notify the employee(s) if he/she will be interviewed or tested for the position. After successfully completing the selection process, and upon City Manager approval, the selected employee(s) will be notified of their promotion to the position(s).

In the event that a promoted employee fails his/her six-month probationary period, he/she shall be
returned to the position from which he/she had been promoted.

SECTION 12 – TRANSFERS OR REASSIGNMENTS

The City Manager may at any time transfer an employee from one position to another position in the same or comparable class, either intra- or inter-departmentally if it is in the best interest of the organization. If the transfer involves a change from one department to another, both department heads must consent unless the City Manager orders the transfer for purposes of economy and efficiency.

A comparable class is one with essentially the same maximum salary limits that involves the performance of similar duties and requires substantially the same qualifications. Transfer shall not be used to effectuate a promotion, demotion, advancement, or reduction. Salary upon a transfer shall remain the same, as does the employee’s anniversary date. Transfers shall be a matter within the prerogative of the City Manager that is not subject to the grievance or discipline procedures.

No person shall be transferred to a position for which he/she does not possess the minimum qualifications. An employee may request a transfer, subject to the approval by the City Manager. Where multiple employees seek the same transfer opportunity, the City shall conduct a competitive interview and selection process.
CHAPTER 3 – PERFORMANCE EVALUATION, EMPLOYEE DEVELOPMENT AND RECOGNITION

SECTION 1 - PERFORMANCE EVALUATION

1.1 Purpose

The purpose of the performance evaluation is to ensure that employee work performance and productivity remain at their highest levels, to accurately assess the employee’s overall job performance, to set goals with the employee that further job knowledge and enhance skills and abilities, and to regularly provide formal employee feedback.

1.2 Applicability and Frequency

All full-time employees, permanent part-time employees, and promoted employees in the competitive service will receive a comprehensive performance evaluation from their immediate supervisor at the end of the initial six (6) months of employment/promotion, prior to the end of the probationary period. Thereafter, performance evaluations will be given no less frequently than annually based on the following three categories of employees:

1. Employees hired at step A or step B of their salary range are generally eligible for a step increase after six (6) months of employment, which will typically coincide with the end of the probationary period. Thereafter, these employees should receive an evaluation at least annually (i.e. after eighteen (18) months of employment, thirty (30) months of employment, etc.).

2. Employees hired at step C or step D of their salary range are generally eligible for a step increase after twelve (12) months of employment, which will typically be six (6) months following receipt of a performance evaluation at the end of the probationary period. These employees should receive a second performance evaluation coinciding with their merit increase at twelve (12) months, and thereafter an evaluation at least annually (i.e. after twenty-four (24) months of employment, thirty-six (36) months of employment, etc.).

3. Employees hired at step E of their salary range are not eligible for step increases. These employees should receive an evaluation at least annually following the evaluation given at the end of the probationary period (i.e. after eighteen (18) months of employment, thirty (30) months of employment, etc.).

After reaching the top step of their salary range, employees should continue to receive a performance evaluation at least annually on the anniversary date of their last step increase.

Employees who are assigned to management positions designated as “at-will” and exempt from the competitive service may receive an optional six (6) month evaluation and annual performance evaluations thereafter at the discretion of the City Manager. The City Manager shall be evaluated in accordance with the terms of his/her Employment Agreement.

An employee may receive additional performance appraisals from time to time whenever it is considered appropriate by the employee’s supervisor(s).
1.3 Eligibility for Step Increase

In conjunction with his/her evaluation, an employee may be eligible for a step increase. The City Manager also has the discretion to award a special merit-based step increase at any time when an employee demonstrates exceptional ability and proficiency in the performance of his/her duties.

Full-time employees hired at step A or B of the salary range are eligible for a salary increase at the completion of the initial six (6) months of employment based on merit and successful performance; subsequently, employees shall be eligible for a merit increase eighteen (18) months from the date of hire, and annually thereafter, based on merit and successful performance.

Full-time employees hired at step C or D of the salary range are eligible for a salary increase at the completion of twelve (12) months of employment based on merit and successful performance; subsequently, employees shall be eligible for a merit increase in twelve (12) months, and annually thereafter, based on merit and successful performance.

Full-time employees hired at step E are not eligible for salary step increases.

The City Manager shall be eligible for merit increases, subject to the terms and conditions of his/her Employment Agreement.

Permanent part-time employees shall be eligible for step increases as outlined above, except that the calculation of the six (6) or twelve (12) months of service shall be made based on hours worked rather than time elapsed since hire.

Temporary part-time employees shall be eligible for step increases at the discretion of the applicable Department Head based on demonstrated job performance at any time during their employment.

When an employee has not been approved for advancement to the next higher step, he/she may be reconsidered for such advancement at any subsequent time.

1.4 Preparation of Evaluations

Performance evaluations will be prepared by the employee’s supervisor on a City Performance Evaluation Form, discussed with the employee, and forwarded to the department head for final review. The completed form shall be forwarded to the City Manager for placement in the employee’s personnel file where it can be examined by the employee at reasonable times upon request. The performance evaluation reports are handled on a confidential basis.

In the event that more than one (1) person supervises an employee, all supervisors are required to participate in the performance evaluation process.

Performance evaluations are required and necessary, and it is a supervisor’s responsibility to give performance evaluations when they are due, even if a step or merit increase is not involved.

Performance ratings are based on criteria contained in the Performance Evaluation Form found in the appendix of this Manual.
1.5 Employee Response to Evaluation/Appeal Procedure

An employee may file a written response to a performance evaluation, regardless of the overall rating. If an employee receives an “unsatisfactory” or “needs improvement” overall rating, the employee is entitled to submit a written request within two weeks, or fourteen (14) calendar days, to the department head for a meeting to review the performance evaluation. The written request shall contain the employee’s responses and concerns relating to the performance evaluation. Upon completion of the meeting, the department head will provide a written response to the employee within thirty (30) calendar days. The department head’s determination shall be final, and this process shall constitute the appeal procedure for performance evaluations.

SECTION 2 - TRAINING OF EMPLOYEES/TUITION REIMBURSEMENT

2.1 Policy

All employees of the City are eligible to request specialized training such as conferences, seminars, special courses, etc. at the City’s expense when job related, and where such training also provides a benefit to the City. Training programs may include lectures, courses, demonstrations, webinars, professional association sponsored meetings, or such other examples for the purpose of improving the effectiveness and increasing the knowledge of employees in the performance of their respective duties.

Participation and approval for training shall be subject to the limitations of the City’s budgeted resources. The City Manager, department heads, and supervisors shall strive to ensure that employee training resources are distributed in an equitable manner, while taking into consideration the business necessity of the City for achieving various training needs. Costs associated with training may include registration, lodging, meals, and transportation, on a case-by-case basis. Requested means of transportation will be approved by the City Manager.

2.2 Employee Education - Tuition Reimbursement

The following policy shall serve as the rules related to employee participation in the tuition reimbursement program:

1. Courses taken must be pertinent to the position the employee holds in the organization.

2. In order to receive reimbursement for the program, the employee must receive a “C” average, or better. If no grade is issued for a course, a certification of satisfactory completion must be submitted.

3. All employees utilizing a prepayment of tuition plan or desiring reimbursement must complete said course.

4. Mileage shall not be paid to employees taking courses from a higher education institution for credit.

5. The amount of tuition reimbursement is not to exceed the tuition amount in effect at a California State University campus during a concurrent semester or quarter.
6. The amount of tuition reimbursement for “self-paced” courses and/or courses without a set duration, is based on the average or reasonable time required to complete the coursework. Any employee enrolled in a course as described above, shall receive tuition reimbursement based on the following formula:

Step 1: Determine the average number of hours to complete the coursework. E.g. five-hundred Hours (500) to complete the coursework.

Step 2: Divide this figure by the number of hours per semester or quarter at a California State University to determine the equivalent number of semesters or quarters to complete the coursework. E.g. five-hundred Hours (500) hours / one-hundred thirty-five Hours (135) = 3.7 equivalent semesters to complete the coursework.

Step 3: Multiply this figure by the tuition per semester to determine the total tuition to be reimbursed. E.g. 3.7 x four-hundred forty dollars ($440.00) (tuition rate) = $1,628.00

7. Employee must agree to remain in the employ of the City for two years after completion of the course, unless a non-voluntary termination occurs. Should the employee resign from employment prior to completion of the two-year period, the employee shall be invoiced for the amount of tuition reimbursement provided to the employee for education costs within the two-year window.

8. Tuition reimbursement shall be subject to the appropriation of adequate funding by the City Council in the City’s Two-Year Budget. Funds shall be allocated on a first come, first served basis to applicants. Any applicant not receiving reimbursement due to a lack of funding, may hold over their application to future fiscal years pending the availability of funding.

2.3 Mandatory Training

1. By January 1, 2021, all Supervisors shall participate in at least two hours of training and education regarding sexual harassment and all other nonsupervisory employees shall participate in at least one hour of training and education regarding sexual harassment within six months of their assumption of a position.

2. After January 1, 2021, all employees, including part-time, seasonal, and temporary employees, shall participate in sexual harassment training and education once every two years.

3. The training shall include the prevention of abusive conduct and training on harassment based on gender identity, gender expression, and sexual orientation.

4. The training and education regarding workplace harassment shall also address other forms of unlawful discrimination in order to meet the City’s obligations to take all reasonable steps necessary to prevent and correct harassment and discrimination.
5. Beginning January 1, 2020, seasonal and temporary employees, or any employee who is hired to work for less than six months, shall participate in training within 30 calendar days after the hire date or within 100 hours worked, whichever occurs first.

6. For any temporary employee employed by a temporary services employer to perform services for the City, the training shall be provided by the temporary services employer, not the City.

7. Employees and supervisors may be required to attend other mandatory training periodically as determined by the City Manager including, but not limited to, ethics training, diversity training, workplace violence training, customer service training, emergency preparedness training, security awareness training, and specialized job skills training.

2.4 Procedure

Employees should follow their department’s process for obtaining approval to attend training.

Employees are requested to allow sufficient lead time for the review and approval process, and for making travel arrangements, if necessary. Employees will receive feedback on whether the request was approved or declined. Upon completing any approved training, employees may be required to submit a certificate of completion.

SECTION 3 – TRAVEL AND MISCELLANEOUS EXPENSES

The City’s Transportation, Travel, and Meeting Expenses Administrative Policy (Appendix E to this Manual) shall serve to provide the policy related to this topic.

SECTION 4 – EMPLOYEE RECOGNITION

The City of Yorba Linda has established methods and guidelines for City recognition of full-time and permanent part-time employees related to the achievement of service milestones based on longevity, and the achievement of superior job performance.

4.1 Milestone Anniversary Dates

The city desires to recognize and show appreciation to employees who reach milestone anniversary dates. As such, awards will be given to employees of varying amounts depending on the years of service. All employees being recognized for increments of five (5), ten (10), fifteen (15), twenty (20), twenty-five (25), or thirty (30) or more years of service will receive an Employee Anniversary certificate. In addition, employees will receive the following awards:

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<tr>
<th>Years of Service</th>
<th>Award</th>
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<tr>
<td>Five (5) years</td>
<td>Copper Anniversary Pin</td>
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<tr>
<td>Ten (10) years</td>
<td>Gold-plated Anniversary Pin</td>
</tr>
<tr>
<td>Fifteen (15) years</td>
<td>Silver Anniversary Pin</td>
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<td>Twenty (20) years</td>
<td>Two-Hundred Fifty ($250) Dollars</td>
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<td>Twenty-five (25) years</td>
<td>Three-Hundred ($300) Dollars</td>
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<td>Thirty (30) years</td>
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4.2 Superior Job Performance – Employee recognition Program

Superior job performance of Miscellaneous employees will be recognized through a monetary award not to exceed two-hundred dollars ($200). The recognition program is designed to recognize contributions of employees that exceed normal expectations. Awards will be allotted in increments of one-hundred ($100) dollars or two-hundred ($200) dollars, depending on the level of individual achievement. Awards will be issued on a year-round basis to ensure immediate recognition of outstanding achievement. Nominations may be made by Department Heads and/or Mid-Management employees, with the concurrence of the Department Head. Cross-departmental nominations are permitted.

Nominations must be made in writing on the Employee Recognition Program Nomination Form, and should explain why the nominee is being considered for the recognition award. Examples of job performance appropriate for recognition under this program include projects that show such care and level of effort to be clearly recognized as superior, projects that result in significant cost savings for the City or that return funds to the City, or projects that significantly benefit the City or the citizens of Yorba Linda.

Nominations shall be kept confidential throughout the nomination and evaluation process until final approval is given by the City Manager.

Nominations may be made at any time by the nominee’s Department Head or any other Management or Mid-Management employee, but should be made within three (3) months’ time after the relevant outstanding performance. Nominations not initiated by the nominee’s Department Head must be forwarded to the Department Head for review and concurrence. Final approval of all recognition awards will be made by the City Manager. Upon approval by the City Manager, awards will be presented to the nominee by the appropriate Department Head or the City Manager.
CHAPTER 4 – CLASSIFICATION

SECTION 1 – CLASSIFICATION PLAN

The Classification Plan allocates classification titles for City employees to salary ranges. Classification means a group of all positions sufficiently similar in duties, authority, responsibility, and minimum qualifications to permit the application with equity of common standards of selection, transfer, promotion, and compensation. It is the City’s practice that the Classification Plan is typically updated by and reflected in the Resolutions adopted from time to time by the City Council that set the compensation, benefits, and other terms of employment for the City’s Employee Associations. However, the City Manager may also add or remove Classifications to/from the Plan on an as-needed basis with the approval of the City Council.

The Classification Plan also includes the allocation of classification titles to salary ranges for employees designated as exempt from the competitive service. These exempt classifications are for persons appointed by the City Council including the City Manager and City Attorney, persons appointed by the City Manager, including Department Heads as defined within the Management Resolution, that serve in an at-will capacity subject to the terms and conditions of an applicable Resolution and/or employment contract, and certain temporary part-time classifications working less than twenty-nine (29) hours per week.

Amendments and revisions to the job description for any classification may be suggested to the City Manager by any employee or Employee Association for review following the City’s defined policy within this Manual pertaining to reclassification.

SECTION 2 – AUTHORIZED POSITIONS

Allocation means the assignment of a position to its proper classification in accordance with the duties performed and the authority and responsibility exercised. Position means a job performed by a single employee. For example, within the classification of Maintenance Worker there may be multiple positions in multiple City Departments that share the same common classification. It is the City’s practice that positions are assigned to classifications through the Authorized Position Listing approved by the City Council concurrently with the Two-Year Budget. Updates may be made to the Authorized Position Listing at other times on an as-needed basis with the approval of the City Council.

The following definitions shall apply for purposes of authorized positions:

1. Permanent Employee: A full-time Miscellaneous or Mid-Management employee who is appointed to a position for a six (6) - month or longer term, has successfully completed his or her probationary period in their position in the competitive service, is occupying a classified position established on a continuing basis, is employed to work forty (40) hours per week on a regular schedule, and is eligible for the City’s retirement program and full benefits.

2. Permanent Part-Time Employee: A part-time Miscellaneous or Mid-Management employee who is appointed to a position for a six (6) - month or longer term, has successfully completed his or her probationary period in their position in the competitive service, is occupying a classified position established on a continuing basis, is employed to work a minimum of twenty (20) hours per week and less than
forty (40) hours per week, and is eligible for the City’s retirement program and medical benefits as provided within the applicable Memoranda of Understanding. Permanent Part-Time positions are indicated as such in the City’s Authorized Positions listing to distinguish them from Temporary Part-Time positions.

3. **Temporary Part-Time (Seasonal) Employee:** An employee filling a limited service position in which the requirements of the services performed are of a temporary or seasonal nature that requires a schedule of twenty-nine (29) hours per week or less. Employees hired in this category are excluded from receiving City benefits and serve at the will of the City Manager. Those employees who are assigned such hours that result in an accumulation of one-thousand (1,000) hours within the fiscal year shall become eligible for participation in the City’s retirement program but shall not obtain Permanent Part-Time Employee status. All employees in this category are eligible to receive sick leave in accordance with the Healthy Families Healthy Workplace Act of 2014. Paid Interns and substitute personnel shall be included in this category. Temporary Part-Time employment is at-will and may be terminated at any time with or without cause or prior notice to the employee and without right of appeal. Temporary Part-Time Employees have no guarantee as to the minimum number of hours that they will be asked to work by the City. Certain Temporary Part-Time employees who are employed in a seasonal capacity (e.g., summer recreation employees) may routinely work more than twenty-nine (29) hours per week; however, supervisors shall make every effort to ensure that these employees do not work more than one-thousand (1,000) hours within a fiscal year.

4. **Probationary Employee:** Every new employee in a Permanent Full-Time or Part-Time position in the competitive service shall serve a probationary period of six (6) months, exclusive of time off for leaves of absence as hereinafter permitted. The probationary employee will be evaluated periodically during the probationary period and is subject to termination, with or without cause, at the discretion of the City Manager, or designee. The termination can be exercised at any time during the probationary period. Effective on the first day following completion of the probationary period, if the employee’s performance has been satisfactory and the City Manager, or designee approves his/her retention, the employee shall be considered thereafter a full-time or part-time permanent employee of the City. Probationary employees are also deemed “Disaster Service Workers” per paragraph ten (10) below.

5. **Exempt Employee:** All employees occupying Management and Mid-Management positions, who are not covered under the provisions of the Fair Labor Standards Act (FLSA).

6. **Non-Exempt Employee:** All Miscellaneous employees, who are covered by the overtime provisions of the Fair Labor Standards Act (FLSA).

7. **At-Will Employee:** Any designated management employee who is not included in the competitive service. Such at-will classifications are designated in the City’s Classification/Salary Plan, as adopted by Resolution. An at-will employee may be dismissed by the City Manager at any time for any reason and without prior notice or right of appeal. While many sections of this Manual will apply to at-will employees, others shall not, and inclusion of those sections does not change the status of at-will employees. Employment at-will means that the employer has the right to change
the terms and conditions of employment with or without notice, with or without cause, including, but not limited to, termination, demotion, promotion, transfer, compensation, benefits, duties, and locations of work. Accordingly, either the employee or the City can terminate the employee relationship at any time with or without cause at either party’s option with or without advanced notice. Nothing in this Manual or in any document or statement shall limit the right to terminate employment at-will. Employees offered employment in at at-will capacity shall agree to such terms at the time of hire and may be asked to enter into an employment agreement with the City at the discretion of the City Manager.

8. Volunteer: An individual who accepts an unpaid position with the City to perform specific tasks, which shall not supplant the work of a Permanent budgeted position. A volunteer can be released at any time and for any reason without the right of appeal. The volunteer must perform these services without promise, expectation, or receipt of compensation for services rendered.

9. Confidential Employee: Certain Mid-Management employee classifications are deemed to be confidential in nature due to their access to confidential information related to employee negotiations and therefore are be precluded from representing the bargaining unit during employee negotiations. The classifications deemed to be confidential are outlined in the Memorandum of Understanding for this Employee Association.

10. Disaster Service Worker: The protection of the health and safety, and the preservation of lives and property of the citizens of the City of Yorba Linda from the effects of natural, manmade, or war-caused emergencies that result in conditions of disaster or in extreme peril to life, property, and resources is of paramount City importance requiring the responsible efforts of public and private agencies and individual citizens. In furtherance of the exercise of the power of the City in protection of its citizens and resources, ALL City employees are hereby declared to be Disaster Service Workers subject to such disaster service activities as may be assigned to them by their superiors or by law.

SECTION 3 – NON-CITY FUNDED EMPLOYEES

Employees who are hired pursuant to Federal/State/County funding, and/or grant assisted programs are subject to termination when program funding terminates.

SECTION 4 – NEW POSITIONS

Except as otherwise provided by this Manual, no person shall be appointed or employed to fill any such position until that position has been included in the Classification Plan and added to the Authorized Positions Listing as approved by the City Council and an appropriate employment list established.

At the discretion of the City Manager, an existing position previously authorized by the City Council may be filled with an existing, authorized classification other than the classification listed in the Authorized Positions Listing in the following circumstances:

1. The position may be “underfilled” with a lesser classification in the same job series when in the judgement of the City Manager it is to the advantage of the City to utilize a lower-level
classification (i.e. when the training of an employee is deemed to be advantageous, with the expectation that the employee will ultimately promote into the authorized classification upon gaining the required experience). In such a circumstance, the job duties assigned to the employee will be appropriate for the assigned classification. No reporting of an underfill to the City Council is required.

2. The position may be “overfilled” with a higher classification when it has been determined by the City Manager that an employee is performing job duties of a higher classification in the same job series. In such a circumstance, the classification should be permanently revised in the Authorized Positions Listing in the next Two-Year, Mid-Term, or Mid-Year Budget approved by the City Council and no other reporting of the overfill to the City Council is required.

3. The position may be underfilled or overfilled with a different classification not from the same job series when in the judgement of the City Manager the operational needs of the City have changed. In such a circumstance, the classification should be permanently revised in the Authorized Positions Listing in the next Two-Year, Mid-Term, or Mid-Year Budget approved by the City Council and the proposed change should be reported to the City Council via the City Manager’s weekly report at least two weeks prior to implementation of the proposed action to give the City Council an opportunity to request that the proposed change be placed on the City Council agenda for discussion.

Additionally, at the discretion of the City Manager, a position may be “doublefilled” for training and operational continuity purposes when an existing employee has submitted the required paperwork for a planned retirement or written notice of planned resignation, and it is in the best interest of the City to bring the employee’s replacement on board prior to the employee’s separation from the City. In such a case, the authorized maximum full-time equivalent position count for the classification may be temporarily exceeded for a period not to exceed three months. No reporting of a doublefill to the City Council is required.

SECTION 5 – ELIMINATION OF POSITIONS

Subject to any obligation arising under the MMBA or MOU with an Employee Association, whenever it is deemed advisable in the judgment of the City Council, the City Council may eliminate any position.

Subject to any obligation arising under an MOU with an Employee Association, any employee transferred or laid-off because of the elimination of a position shall not be subject to or entitled to receive written charges and shall not have a right to appeal his or her transfer or layoff.

Any permanent employee laid off from all employment because of the elimination of a position or reduction in force shall be entitled to pre-layoff and post-layoff due process in accordance with law.

The names of any probationary and permanent employees who are laid-off shall be placed upon reemployment lists.

SECTION 6 – RECLASSIFICATION

Reclassification is the changing of an employee’s job classification or salary without a competitive examination and interview. A reclassification only occurs when an employee’s duties and responsibilities have changed significantly enough to clearly warrant a different classification.
Reclassification may not occur as a means of effectuating a promotion or avoidance of the promotional examination.

When the possible need for a reclassification arises, the employee may submit a written request to their Department Head for a reclassification study with a copy to the City Manager. Requests for reclassification may be submitted at any time. Subsequently, the Department Head shall evaluate the request and, if he/she concurs with request, shall forward the request to the City Manager. A study will then be conducted and a decision made as to the merits of a reclassification within ninety (90) days from the date the request is submitted by the employee to his/her Department Head. As a result of the reclassification study, the employee may remain in his/her current classification or be recommended to be reclassified to another classification subject to the approval of the City Manager.

The effective date of a reclassification shall typically be the July 1 following approval of the reclassification request by the City Manager in order to coincide with approval of the budget and Authorized Position Listing by the City Council. The employee’s performance evaluation review date remains unchanged, and such employee shall not be subject to the completion of a new probationary period. The employee’s salary shall be moved to the next closest higher step for the new classification as compared to the employee’s current salary. On a case by case basis, the approval of reclassification requests at a time other than with approval of the budget may be considered when deemed to be appropriate by the City Manager.

SECTION 7 – FLEX CLASSIFICATIONS

The City of Yorba Linda’s classification plan may include a series of classifications referred to as flex classifications, which facilitate advancements in job title, responsibilities, and compensation for employees with Department Head approval and without a recruitment or examination, once all flexible staffing procedural requirements have been met. An employee may be initially appointed to any level in the series, depending upon experience and/or education, and may be promoted from one level to the next without further testing. The most common and useful flexibly-staffed concept includes two (2) levels: Entry and journey. These shall be reflected in the Classification Plan with the roman numerals “I”, “II”, etc. appended to a classification title.
CHAPTER 5 – COMPENSATION

SECTION 1 – COMPENSATION PLAN

The Compensation Plan for authorized full-time and part-time positions shall be established from time to time upon adoption of a resolution by the City Council. The City of Yorba Linda will comply with all applicable regulations regarding gender wage equality under the Equal Pay Act. Compensation to employees shall be based upon job classification and defined factors including education, training, experience, consequences of decisions made, essential functions/duties and responsibilities, judgment/decision-making, and supervision received and exercised. In all cases, wages shall be based on bona fide reasons not based upon gender. The City shall compensate employees equally who perform substantially similar work under similar working conditions and without regard to race, ethnicity or gender under the City’s established Classification and Compensation Plans, and merit system.

The City of Yorba Linda’s basic Plan of Compensation and terms of employment for all employees who are now or will in the future be employed in any of the classifications included in the City’s Classification Plan consists of the terms of compensation defined within Memoranda of Understanding and associated Resolutions, and as provided within this Manual.

1.1 Salary Ranges

Management, Mid-Management, and Miscellaneous job classifications and salary ranges are established by separate Resolutions adopted each year by the City Council. Management, Mid-Management, and Miscellaneous employee salaries consist of monthly compensation ranges that include five (5) steps or rates of pay (Steps A – E). Certain Temporary Part-Time classifications for which there are no comparable Permanent classifications may have salary ranges that include less than five (5) steps.

Employees shall be paid in accordance with the Compensation Plan and in no case shall any employee receive base compensation that exceeds the maximum of the established salary range.

1.2 Salary on Appointment

The first step (Step A) is the minimum rate and is normally the hiring rate for any classification. The City Manager is authorized to make an appointment to a position at any other level of the salary range when he/she deems it necessary. Consideration for initial salary placement shall be based upon the candidate’s education, training, experience, knowledge, abilities, and skills. The City shall not inquire on any employment application, job interview, or reference check as to the current or prior salary/benefits history of an applicant. The City shall offer salary on appointment without regard to gender, race, ethnicity, and prior salary.

1.3 Salary Anniversary Date/Step Advancement

Advancements shall be considered as set forth in Memoranda of Understanding and Resolutions for Employee Associations, and as provided below, but shall depend upon increased service value of an employee to the City as exemplified by recommendations of his or her supervisor and/or Department Head based on considerations such as performance, record, special training, and other pertinent evidence or data. Advancement is defined as a salary increase within the limits of a pay
range established for a position. All step increases earned are based on satisfactory job performance and are not automatic increases based upon the length of service.

Every employee in a permanent competitive service position appointed at the first or second step (Steps A or B) shall have a salary anniversary date established at the completion of six (6) months of satisfactory service and shall receive consideration for a merit increase at that time upon recommendation of their Department Head and approval of the City Manager. Thereafter, the employee will be eligible for a step advancement on his or her anniversary date each year until reaching the fifth (E) step.

In the event that an employee is hired at the third step (Step C) or higher, the salary anniversary date will be established at the completion of one (1) year of satisfactory service and the employee shall receive consideration for a merit increase upon recommendation of their Department Head and approval of the City Manager. Thereafter, the employee will be eligible for a step advancement on his or her anniversary date each year until reaching the fifth (E) step.

A break in an employee’s continuous service shall cause an associated adjustment in his or her anniversary date.

At the time of step advancement, if the employee demonstrates exceptional aptitude for the job and the performance on the job is outstanding, the department head may recommend advancement to a higher step than the next subsequent step (i.e. from step A to step C).

1.4 Special Merit Increase

If an employee demonstrates exceptional ability and proficiency in the performance of his/her duties, the department head may recommend to the City Manager a Special Merit Advancement without regard to the minimum length of service. The employee’s anniversary date will remain the same and not change.

1.5 Salary upon Promotion

When an employee is promoted from employment in one classification to employment in a classification allocated to a higher range, he/she shall be advanced to the lowest step in such higher range that will provide not less than a one (1) step increase in compensation. A new salary anniversary date shall be established which shall be six (6) months from the effective date of the promotion if the employee is placed into step A or B, or twelve (12) months from the effective date of the promotion if the employee is placed into step C, D, or E.

1.6 Reassignment of Compensation Ranges

Any employee who is employed in a classification that is reassigned to a different salary range from that previously assigned shall typically be retained at the same salary step in the new range as previously held and shall retain credit for the length of service in such step. However, the City Manager may at the time of reassignment place the employee in such step and make such change in anniversary date as may be deemed appropriate in circumstances where the change in compensation is significant.

1.7 Compensation upon Transfer
The salary rate and salary anniversary date of an employee who is transferred to a new position within the same classification shall not change.

1.8 Compensation upon Reclassification

If a position is reclassified to a new classification, the employee’s salary shall be moved to the next closest higher step for the new classification as compared to the employee’s current salary, and his/her salary anniversary date shall not change.

1.9 Compensation upon Demotion

A demotion is the appointment of an employee from one classification to a classification having a lower maximum rate of pay.

1. An employee demoted for disciplinary reasons shall be placed on the same step within the base salary range of the class to which demoted. The City Manager may demote and approve the recommendation of a Department Head to demote an employee at any time for just cause, in accordance with the Skelly Process (see Chapter 9 – Corrective Action, Disciplinary Procedures, and Grievance Procedures).

2. A promotional probationary employee who is returned to a former classification during the probationary period shall be placed on the same step within the base salary range of the former classification that the employee was on at time of promotion. No credit shall be granted for time spent at the promoted level for next step advance due date.

3. An employee demoted for non-disciplinary reasons shall be retained at the same salary rate, provided that the salary rate does not exceed the maximum of the salary range of the demoted class. With the approval of the City Manager the employee may be Y-rated (frozen at the current rate of pay received prior to the demotion). Employees who are Y-rated shall not receive any cost of living adjustments until such time as the highest step (step E) of their new classification exceeds their Y-rated salary.

4. An employee who voluntarily demotes from one classification to a classification with a lower maximum salary range shall be placed within the new salary range at the step closest to their current rate of pay.

1.10 Compensation upon Suspension

The City Manager may suspend and approve the recommendation of a Department Head to suspend an employee at any time for just cause, in accordance with the Skelly Process (see Chapter 9 – Corrective Action, Disciplinary Procedures and Grievance Procedures).

1.11 Compensation upon Reinstatement

With the approval of the City Manager a Permanent Employee who has resigned with a good record may be reinstated within one (1) year to his/her former position, if vacant, or to a vacant position in the same, comparable, or a lesser classification provided that he/she possesses the minimum qualifications for the position.
A reinstated employee does not retain any benefits or rights previously earned by virtue of his/her former employment unless approved by the City Manager. The employee will be appointed as a new employee and serve a new probationary period.

The City Manager may authorize reinstatement at other than the minimum rate where, in his or her discretion, this is warranted by the circumstances.

1.12 Compensation upon Provisional Appointment

Subject to the following limitations, an employee who is required on the basis of a provisional appointment, to serve in a class with a higher salary range than that of the classification in which he/she is normally assigned, shall receive the entrance salary rate of the higher salary or one (1) step higher than the rate he/she normally received, whichever is greater. Compensation must be within the limits of the established range for the classification to which assigned. The following terms shall apply to provisional appointments:

1. The written approval of the City Manager shall be required.

2. The employee shall perform all the duties and assume all the responsibilities of the higher class.

3. Compensation for acting appointments shall be limited to the temporary filling of a vacant full-time position during an active recruitment for a permanent appointee, for a limited duration, not to exceed 960 hours per fiscal year.

1.13 Compensation for Lead Worker Duties

Employees designated by the City Manager as the lead employee in a particular classification shall receive additional pay in the amount of 5% of their base salary. If an employee assumes or is scheduled to assume the preponderance of duties of a lead classification, the need shall be revisited after six (6) months in the assignment.

1.14 Out of Classification Pay

Employees designated by the City Manager as having been assigned special job duties on a temporary basis that are 1) outside of the job description for their classification and 2) for reasons other than provisional appointment as outlined in section 1.12, shall receive additional pay in the amount of 5% of their base salary. This pay shall not be categorized as Special Compensation, within the meaning of the Public Employees’ Retirement Law, for purposes of computing pensionable compensation. Employees will be required to sign a form acknowledging their understanding that this additional pay will not be added to their base pay for purposes of computing pensionable compensation. In the event that an employee performs the out of classification duties in excess of six (6) months, then the Department Head, or his/her designee, shall reevaluate the situation to determine if the need still exists and whether a permanent reclassification is warranted.

1.15 Compensation upon Termination

It is the intent of the City to make final wage payments to employees in accordance with State law and with minimal disruption to the normal two (2) week employee payroll processing cycle.
Section 220 of the Labor Code exempts municipalities from the immediate payment of wages when employees voluntarily or involuntarily terminate.

As such, final paychecks for employees voluntarily terminating will be processed during the normal two (2) week payroll cycle.

Final paychecks for employees involuntarily terminating will, whenever possible, be processed to be available on the employee’s last workday. However, there may be instances that prevent the generation of the check, such as the hours to be paid have not been finalized, advance notification for paycheck generation has not been communicated, staff is not available to process the final check, or other key elements for paycheck generation are incomplete. If the final paycheck is not available on the employee’s last workday, it will be processed and mailed as soon as reasonably feasible, but no later than the next scheduled payday.

Any employee who has accrued vacation credit and who is separated from the City shall be paid for any unused accrued vacation.

Employees hired on or after July 1, 2001, shall not be eligible for compensation for any unused sick leave upon separation. Employees hired prior to July 1, 2001, shall be paid upon separation any accumulated, unused sick leave at their then current pay rate in accordance with the Memoranda of Understanding for the employee’s service group. Refer to the City’s Memoranda of Understanding with the Mid-Management and Miscellaneous Employee Associations and the Resolution for the Management group for the schedule of compensation for accumulated sick leave based on years of service.

**SECTION 2 – OVERTIME/COMPENSATORY TIME COMPENSATION**

2.1 Overtime

Overtime is paid to Miscellaneous (non-exempt) employees at the rate of one and one-half (1.5) times the normal hourly rate for hours paid in excess of forty (40) hours per seven (7) day work period and at two (2) times the normal hourly rate for overtime hours worked on Sundays or City designated holidays. The normal hourly rate shall be adjusted as required by the law, as it may be amended from time to time, for purposes of overtime compensation calculation.

Although the City discourages overtime, occasionally it may be necessary. In that event, overtime is subject to the approval of the City Manager except in time of a City emergency. A Department Head can also prescribe reasonable periods of overtime to meet the operational needs of their department.

Certain positions require an employee to work overtime on a regular recurring basis. Employees hired in these positions are informed of this prior to accepting employment and authorization from the City Manager to work overtime hours is not necessary. Whenever possible, overtime is rotated among various appropriate employees within a department so as to provide an equitable system of opportunity to earn overtime compensation.

For the purposes of this policy, scheduled and approved holiday hours worked, floater holiday hours worked, vacation hours used, compensatory hours used, jury duty hours, and personal necessity hours used shall be considered as hours worked for the purpose of calculating overtime. The aforementioned examples regarding pre-scheduled/pre-approved compensation hours which are
paid, but not worked will be accounted for as if they were worked for calculating overtime. Sick hours shall not be considered as hours worked for the purpose of calculating overtime.

Working in excess of forty (40) hours per workweek without approval of the Department Head or supervisor may be considered cause for disciplinary action, up to and including termination, for non-exempt employees.

2.2 Compensatory Time

Subject to the approval of the department head or designee, employees may elect to receive compensatory time in lieu of receiving overtime pay. An employee who requests and is approved for compensatory time off in lieu of overtime is entitled to receive one and one-half (1.5) hours of compensatory time off for each hour for which he/she would otherwise be entitled to overtime pay and two (2) times base salary for Sundays and holidays. Such time shall be banked for the employee’s future use.

Compensatory time may be used within a reasonable period after making the request if such use does not disrupt the operations of the department. Prior to using compensatory time, the employee must receive approval by following applicable department policy for the reporting of absences. While the memoranda of understanding with the City’s employee associations may require the use of compensatory time in one-hour increments, the City hereby authorizes the use of compensatory time in increments of one quarter (1/4) hour or more. If the employee desires, compensatory time may be used in combination with vacation, sick leave, and/or personal necessity. Other leave time (e.g. vacation, sick leave, personal necessity, etc.) cannot be converted to compensatory time.

Any unused compensatory time at the end of the fiscal year may be carried over to the next fiscal year, but under no circumstances can an employee have more than forty (40) hours of compensatory time accumulated at any given time. The City Manager reserves the right to allow and authorize overages in special circumstances.

2.3 Work Performed Outside of Normal Business Hours

Work performed outside of normal business hours by any non-exempt employee is considered compensable time and will be paid at either the overtime or regular rate depending on the number of regular hours worked in the given work period and in compliance with applicable federal and state laws. Any work outside of an employee’s regular work hours must be pre-authorized by the Department Head, or his/her designee. Non-exempt employees who work any additional hours without pre-authorization may be subject to disciplinary action.

SECTION 3 – EXEMPT POSITIONS

All Management and Mid-management employees shall receive no additional compensation for overtime hours worked. The monthly salary shall be considered full compensation for all hours worked; however, administrative leave may be granted when approved by the City Manager for good and sufficient cause.

Under the Fair Labor Standards Act, (FLSA), salaried employees (Managers and Mid-managers) are classified as exempt employees. However, should there be an implementation of furloughs, exempt employees lose their exempt status during a workweek in which the designated furlough hours take place and therefore will be entitled to overtime pay if over forty (40) hours are worked in that week.
SECTION 4 – BI-LINGUAL PAY

4.1 Statement of Policy

1. The Yorba Linda City Council, along with the Miscellaneous and Mid-Management employee service groups, have agreed on the importance of developing a program to compensate employees who are called upon periodically to perform translation services for non-English speaking customers and who meet certain proficiency levels for speaking a foreign language.

2. Based on the demand for translation services, and demographic data from the federal census, it has been determined that Spanish is the predominate language barrier that is most likely to be encountered by employees during the performance of their normal duties. Employees speaking other languages may also be compensated under this program with the approval of the City Manager when such translation services are deemed to be appropriate and necessary for the needs of the City.

3. All full-time Management, Mid-Management, and Miscellaneous employees shall be eligible to apply for participation in the Bi-Lingual Pay Program. The City Manager shall determine positions that shall be eligible to receive bi-lingual compensation.

4. Employees shall demonstrate proficiency in speaking the language for which they have claimed bi-lingual proficiency through a testing process administered by the Personnel Division.

4.2 Procedure: Application, Testing, and Eligibility Lists

1. The City Manager shall arrange for an outside, third-party contractor to administer examinations to measure verbal proficiency in the applicable foreign language. These examinations shall be conducted not less than every three (3) years. Prior to the conducting of the examination, the City Manager shall call for employee applications (attached).

2. Employees wishing to be considered for bi-lingual pay shall complete the Application Form and submit it to the City Manager.

3. Following these examinations, employees shall be placed on eligibility lists in descending order based on test scores. These eligibility lists shall remain in effect until the next scheduled examination. Employees who have been on an eligibility list must re-qualify each time an examination is given.

4. There shall be a Miscellaneous Employee List and a Mid-Management Employee List.

5. In the event of tie scores on the proficiency examination, the City Manager shall determine the employees’ position on the eligibility list through a blind drawing.
4.3 Procedure: Determining Bi-Lingual Positions

1. The City Manager shall assess the public demand for language translation services prior to the administration of a proficiency examination. Such assessment may include surveys of actual departmental experience, analysis of City resident demographics, input from Department Heads, and/or other subordinate staff, or any other method deemed appropriate.

2. The City Manager may, at his/her sole discretion, establish the appropriate number of bi-lingual positions to meet public demand. The criteria for determining these positions may include location (e.g., City Hall, Library, Corporation Yard, etc.), particular job function(s) likely to require bi-lingual capability, department, work shift, or any combination of these.

4.4 Procedure: Appointment of Employees and Compensation

1. Once the City Manager has determined the appropriate number of bi-lingual positions, the City Manager shall make appointments from the eligibility lists of those employees who best meet the criteria. To the extent that multiple applicants meet the criteria for a particular bi-lingual position(s), then their relative placement on the eligibility list will determine the order of appointment.

2. Eligible full-time employees who are members of the Management, Mid-Management, and Miscellaneous service groups and have been appointed by the City Manager to bi-lingual status shall receive an additional forty dollars ($40.00) per pay period for bi-lingual services.

4.5 Procedure: Employee Duties and Responsibilities

1. All employees appointed by the City Manager to receive bi-lingual pay shall sign a Bi-Lingual Compensation Agreement Form included in the Appendix of this Manual, which defines the employee’s duties and responsibilities relative to providing translation services.

2. The Bi-Lingual Compensation Agreement shall remain in effect until such time as a subsequent proficiency examination is administered, the employee separates from City employment, the employee requests voluntary removal from the Bi-Lingual Program, or the employee fails to abide by the terms of the Agreement and is removed from the Program by the City Manager.

4.6 Procedure: Requesting Translation Services

1. Any City employee who requires verbal language translation should utilize one of the Management, Miscellaneous, or Mid-Management employees appointed to the Bi-Lingual Program. If none of the Bi-Lingual Program Participants is on-duty at the time translation services are required, the employee should contact the City Manager or his/her Department Head to arrange for a Program Participant to be contacted by telephone.
SECTION 5 – CLASS “B” DRIVER’S LICENSE COMPENSATION

Employees within the Miscellaneous service group designated by the City Manager shall receive pay in the amount of one-hundred dollars ($100.00) per month for possessing a valid Class “B” License to operate specified equipment.

SECTION 6 – STANDBY PAY

6.1 Policy

The City of Yorba Linda must be ready to deploy necessary resources at any time to protect public property and public health, safety, and welfare. Consequently, it is the policy of the City to develop and maintain procedures by which employees are available after normal working hours to respond to unforeseen or emergency situations.

A department head, at his/her discretion, may assign an employee to standby duty for the purpose of being ready and able to handle emergency situations arising at times other than during normal working hours. Participation for standby duty shall be on a voluntary basis. However, if the Department Head determines that there are not a sufficient number of participants, the Department Head may invoke mandatory participation for standby duty by all appropriate employees.

Employees assigned to standby duty shall be able to respond from home within a reasonable time of receiving a call to return to work. If no employees are available for standby duty who meet this requirement, Department Heads may assign employees living further away from the City to standby duty until such time as another employee meeting this requirement is available.

An employee assigned to standby duty is expected to be available and to maintain a state of mental alertness and physical ability similar to that which is required for performance of their regular duties. Employees advised by the City that they are on standby and placed on the City’s standby list will be compensated for standby duty according to the schedule below. Employees shall be provided copies of the standby list.

6.2 Compensation

An employee assigned to standby duty and placed on the standby list during the employee’s regular time off shall be compensated in the following manner:

1. The equivalent of two (2) hours at the employee’s regular rate of pay for Monday through Friday.

2. The equivalent of three (3) hours at the employee’s regular rate of pay for Saturday, Sunday and holidays.

3. The equivalent of three (3) hours at the employee’s regular rate of pay for furlough day or closed Friday of the 9 days/80 hours work schedule.

The designated “weekend” for a 4 day/10-hour work schedule employee assigned to standby duty and placed on the standby list during the employee’s regular time off shall be compensated in the following manner:

1. The equivalent of two (2) hours at the employee’s regular rate of pay for the four
days on which the employee normally works.

2. The equivalent of three (3) hours at the employee’s regular rate of pay on the three days that are designated as the employee’s regularly scheduled “weekend” days off.

Standby pay is not countable as hours worked for purposes of establishing the regular forty (40) hour per week work period.

For the purpose of determining the number of hours worked when an employee in standby status is called back to work, the work period starts the moment the employee is called/begins the journey to the yard or jobsite and stops when the employee leaves the yard or job site. Anytime an employee is called back to work, the employee is paid at the overtime rate (or compensated with compensatory time at the overtime rate) regardless of whether those hours would otherwise be paid at the regular or overtime rate. When an employee merely answers a telephone call, email, text, or other brief communication while on standby status, no additional compensation will be paid beyond the two (2) or three (3) hours of compensation at the regular rate of pay per day outlined above.

6.3 Procedure

1. When an employee is assigned to standby duty by his/her Department Head or designee, the employee shall be informed of such assignment at least forty-eight (48) hours in advance of the dates and hours of the assignment. Exceptions to this provision would include, but are not limited to, emergency response situations or coverage for an employee sustaining illness or injury.

2. Standby duty and assignment to the standby list, whenever possible, shall be assigned to employees on a voluntary rotating basis. When voluntary participation is insufficient to meet the needs of the department, then standby duty and assignment to the standby list will be assigned by the Department Head or his/her designee.

3. While assigned to standby duty, employees are required to field all telephone calls which may include, but are not limited to, notifying a contractor of a service request, responding to a citizen, and following up on calls related to the situation at hand.

4. An employee assigned to standby duty is free to participate in personal activities, but is required to:

   a. Be reachable by telephone or other acceptable communications devices.
   b. Be able to report to work within a reasonable period (the time it normally takes to drive from home to work) of time from receipt of the contact.
   c. Refrain from activities which might impair his/her ability to perform duties in a satisfactory manner.
   d. Notify his/her supervisor in the event they are unable to cover the standby assignment due to illness or unforeseen emergency.

5. Upon satisfactory completion of the standby assignment, employees shall be compensated according to the section described as Compensation within this
section.

6. Employees failing to adhere to the standby assignment or the policies mentioned herein will be subject to disciplinary action, up to and including termination.

7. Employees who use cell phones but are not required to adhere to #3 and #4 above will not be compensated for any standby time. However, if called out the employee will be compensated at the overtime rate or with compensatory time.

8. The following shall govern the receipt of standby and callback pay by employees who also use vacation and/or medical leave during the same pay period:
   a. Employees taking a partial day of medical leave will be eligible for standby and callback pay.
   b. Employees taking a full day or more of medical leave will not be eligible for standby and callback pay.
   c. Employees taking one (1) day or less of vacation will be eligible for standby and callback pay.
   d. Employees taking two (2) or more consecutive days of vacation will not be eligible for standby and callback pay.

SECTION 7 – AUTOMOBILE ALLOWANCE/USE REIMBURSEMENT

Automobile allowances shall be provided to employees within the Management service group in the amount of five-hundred ($500) dollars per month as of October 20, 2016. This amount shall be updated annually on July 1st based on the Consumer Price Index as further outlined in the Management service group Resolution.

Employees not receiving an automobile allowance may claim automobile reimbursement for the use of his/her own private automobile in the course of his/her City employment or on City business. Such use of a private vehicle shall only be when the City vehicle is not available for transportation. Reimbursement at a rate consistent with the Internal Revenue Service standard may be approved for use of private vehicles on City business within the City or within a radius of sixty (60) miles there from.

The City Manager may negotiate auto allowances with Mid-Management employees on an employee-specific basis, not to exceed the amount currently received by Management employees. These auto allowances may be increased annually based on the Consumer Price Index effective July 1st of each year.

Automobile allowance may be provided to the City Manager in accordance with his/her Employment Agreement. The City Manager’s automobile allowance is currently the same as that provided to the Management service group.
SECTION 8 – AVOIDANCE OF INEQUITIES

Subject to City Council approval, the City Manager may authorize special adjustments to avoid or eliminate inequities resulting from the strict application of any provisions of the contracts with the Miscellaneous, Mid-Management, and Management service groups.

SECTION 9 – SAFETY BOOT AND UNIFORM ALLOWANCE

9.1 Safety Boots

Employees in job classifications for which safety boots are required shall be entitled to a reimbursement of up to two-hundred ($200.00) dollars per fiscal year for the purchase or repair of approved boots. Reimbursement shall be issued upon presentation of a receipt of such purchase/repair. Employees will be responsible for properly maintaining and safekeeping their work boots. Such employees will be required to wear the safety boots at all times while performing their duties. The City retains the right to specify the type of safety boots required and to select the vendor to provide the footwear.

Safety boots must have the following specifications:

1. A minimum of six inches (6”) high and covering the ankle; and
2. Black, brown, or tan in color.

Replacement for lost or abused boots will not be made. The repair or replacement of safety boots will be made only in such cases where the department head, or designee, determines that the boots have been subject to normal wear and tear or damage caused on the job.

9.2 Uniform Allowance

The following classifications will receive a uniform allowance equal to twenty-six dollars and twenty-two cents ($26.22) per month, which reflects the value of the uniforms and related maintenance provided by the City: Maintenance Worker I, Maintenance Worker II, Landscape Inspector, Leadworker, Maintenance Contract Administrator, Facilities Maintenance Technician, and Custodian. This amount shall be adjusted, as appropriate, based on the then-current value of the uniforms and related maintenance provided by the City.

This amount is reported to CalPERS as pensionable compensation.

SECTION 10 – PAYROLL PROCESSING

10.1 Pay Periods

The City processes payroll on a bi-weekly basis with twenty-six (26) pay periods in each calendar year. Pay checks are issued bi-weekly on the Thursday following the completion of a payroll period. If the pay day falls on a holiday, checks will be issued the first working day preceding the holiday. The start of the work week shall be every Monday.

10.2 Calculation of Pay
The basic biweekly salary shall be computed by multiplying the monthly salary by twelve (12) months and dividing the resultant product by twenty-six (26) pay period. The basic hourly rate for all employees with a scheduled forty (40) hour work week shall be computed by dividing the bi-weekly salary by eighty (80) hours.

10.3 Personnel Action Form

The Personnel Action Form shall be used to record all actions taken regarding individual employees, in order to provide an adequate means of maintaining personnel records and reporting to the Finance Department any changes affecting payroll. A copy of the Personnel Action Form is included in the Appendix of this Manual. Personnel Action Forms are required for any employee changes including, but not limited to, position change, step increase, and related actions. The Personnel Action Form must be approved by the Department Head and City Manager to effectuate a change. The original Personnel Action Form shall be included within the individual employee’s personnel file.

10.4 New Hires

The City Manager shall provide all applicable new hire personnel forms to each new employee and shall prepare the Personnel Action Form for all newly hired employees.

10.5 Time Sheets – Non-Exempt Employees

All non-exempt employees, including Permanent Full-Time, Permanent Part-Time, and Temporary/Seasonal Part-Time employees are required to keep accurate and complete records of the time worked using the forms or systems utilized by the City.

The keeping of detailed records of employee hours worked ensures proper cost accounting and compliance with wage and hour laws. The time records accurately must state for each day worked, the time the employee began work, the time when the employee left for lunch, the time the employee returned from lunch, and the time when the employee finished work for the day. Employees will also acknowledge that they have been afforded the opportunity to take appropriate uninterrupted rest and meal breaks. Back-up documentation must be submitted showing authorization for overtime, compensatory time, and make-up time worked, including any requirements of applicable department policy for the reporting of absences.

Time sheets shall be reviewed and approved by the employee’s supervisor the week prior to pay day.

10.6 Time Sheets - Exempt Employees

All exempt (salaried) employees must complete time sheets in order to record regular time worked and exception hours (e.g. sick leave, vacation, etc.).

10.7 Deductions

Any benefit or insurance deductions associated with payroll will be withheld either 24 or 26 times per year dependent on the type of deduction. Currently, any required health insurance contributions are deducted twice per month (24 times per year), while other deductions vary. The specific treatment of each deduction is subject to change at the discretion of the City Manager.
The following mandatory deductions are items that may appear on your pay checks as deductions: Federal withholding tax, State withholding tax, Employee Share of CalPERS contributions and Survivor Benefit, Deferred Compensation in lieu of Social Security for limited service employees (temporary/seasonal), and Medicare.

Employees may have voluntary deductions taken from their paychecks including contributions to Deferred Compensation, Additional Life Insurance, Association Dues, Flexible Spending Account, Health Insurance Premiums for costs beyond the City’s contribution to the cafeteria plan, and other optional programs. Requests for voluntary deductions should be submitted in writing to the Finance Department by the employee.

10.8 Final Payment upon Separation of Employment

The Finance Department prepares and processes the final paycheck including payoff for unused vacation and any other vested leave (such as sick leave for certain employees) after receipt of the approved Personnel Action Form and approved time sheet. The Finance Director, or designee, reviews the calculations and proof list before the paycheck is prepared. The final check is issued to the separating employee upon receipt of all City issued property including keys, computers, uniforms, and identification card in the normal manner at the end of the pay period via direct deposit or check, as applicable.
CHAPTER 6 – EMPLOYEE BENEFITS

SECTION 1 – HEALTH INSURANCE BENEFITS/CAFETERIA PLAN

1.1 General Policy

All permanent competitive service employees who are employed on a full-time or part-time basis, except limited service temporary and seasonal part-time employees, shall be eligible for the City’s insurance benefits or, alternatively a recognized cafeteria plan approved by the City Council. These benefits may be increased or decreased from time to time. The City reserves the right to change carriers and/or eliminate any type of coverage at its absolute discretion unless otherwise stated in a memorandum of understanding or Resolution impacting one of the City’s employee groups.

As provided under the Affordable Care Act, enacted on March 23, 2010, the City is required to provide employees with notice of some basic information about the Marketplace and employment-based health coverage offered by the City. Information regarding the City’s insurance plans including such information as premiums, coverage, etc. shall be provided to employees at the time of hire and during annual open-enrollment periods, and/or upon notice from an employee concerning a qualifying event in which an employee’s dependent(s) may become eligible during the non-open enrollment period.

No coverage is provided for limited service, seasonal and/or temporary positions, including interns and substitute personnel.

It is the employee’s responsibility to carefully read and evaluate the Plan Documents that are offered prior to enrolling or changing plans. Coverage, co-pays, prescription costs, restrictions, and/or rates vary between the Plans.

1.2 Eligibility and City Contribution to Cafeteria Plan

Refer to the City’s Memoranda of Understanding with the Mid-Management and Miscellaneous service groups, the Resolution with the Management service group, as well as Plan Documents, for the terms and conditions of insurance benefits including eligibility and City contributions to the Cafeteria Plan.

The City Manager shall receive benefits equivalent to those received by Management employees, in accordance with his/her Employment Agreement, as well as any other benefits outlined in the Employment Agreement that have been approved by the City Council.

1.3 Initial Enrollment Period, Proof of Dependent Eligibility

The initial enrollment period for new permanent competitive service employees who are eligible for benefits is the first day of the month following date of hire. Existing employees who become eligible for benefits as a result of a promotion or reclassification shall also be eligible for benefits the first day of the month following the effective date of the promotion or reclassification. Deductions related to health insurance benefits shall be taken one month prior to the effective date of coverage, as premiums are paid in advance to CalPERS. Coverage will be effective in the month following the month in which a full months’ premiums have been paid by the City and the employee. This can be anywhere from 28 to 45 days following the date of hire, depending on the first day worked by the employee.
Proof of dependent eligibility, including marriage certificate, domestic partnership certificate, birth certificate or court order must be provided to initiate and/or maintain coverage when adding a dependent. If the employee is unable to acquire the documentation from the issuing agency within the initial thirty (30) day enrollment period, an exception will be made to enroll the dependent without the documentation; however, the documentation must be submitted no later than sixty (60) days from the qualifying event date. Failure to provide the required documentation will result in the dependent being dropped from coverage effective with the 1st of the month following the sixty (60) days.

1.4 City Contribution to Cafeteria Plan

Employees shall be eligible for a prorated amount of the City’s Cafeteria Plan contribution in their first month of employment, which will be calculated based on the ratio of the number of days worked in a pay period to the total number of work days included in that pay period.

1.5 Open Enrollment Period

A pre-defined period shall be established and announced annually in which all eligible employees shall be allowed to enroll, cancel, and/or change to a different health and/or dental plan, or enroll/drop eligible dependents. All changes become effective January 1st of the following calendar year. Payroll deductions will change on December 1st based on the changes effective on January 1st, as the City pays health insurance premiums in advance.

1.6 Qualifying Event

A participant “status” change including marriage, establishment of domestic partnership, birth of a child, adoption, legal guardianship, divorce, court order, termination of domestic partnership or loss/new coverage available through a spouse’s employer may trigger a qualifying event. Such eligible qualifying events would allow for a participant to submit a change outside of the Open Enrollment Period. For additional status changes that may fall under a qualifying event, refer to the applicable Plan Document.

1.7 Insurance during Leave of Absence

During an approved leave of absence for family, medical, or pregnancy disability leave, an employee will be retained on the City’s health, vision, and dental insurance plans for twelve (12) weeks, and receive the City’s Cafeteria Plan contribution until leave accruals have been exhausted. Coverage shall continue beyond the twelve (12) weeks while the employee is using accrued paid sick leave (required) and the optional/elected use of vacation leave, compensatory time off, or administrative leave. Following the twelve (12) weeks of coverage, and the exhaustion of required or elected use of leave balances, in which there are insufficient accruals available equivalent to the employee’s regular status (e.g. full-time, or permanent part-time), the employee will be responsible for the payment of premiums for the City’s health, vision, and dental insurance plans, as applicable. Failure by the employee to pay the insurance premiums will result in loss of coverage. The City will cease to maintain the employee’s insurance coverage if an employee’s premium payment is more than thirty (30) days late. The City will notify the employee fifteen (15) days before coverage is terminated.

City-sponsored premiums for benefits for all other leaves of absence (e.g. leave of absence without pay) will continue only through the end of the month in which the leave begins subject to the terms,
conditions, and limitations of the applicable plans for which the employee is otherwise eligible, and except where otherwise mandated by state or federal law. When the employee returns from leave, the City will again provide benefits according to the applicable plans.

1.8 Coverage upon Separation

Upon separation, medical insurance for enrolled employees shall continue for one (1) month beyond the month in which the employee separates from City employment (i.e. an employee separating on June 15th shall receive medical coverage through the last day in July). Any employee contributions required to maintain that coverage (i.e. premium costs exceeding the City’s Cafeteria Plan contribution) will be withheld from the employee’s final check.

Upon separation, dental and vision benefits for enrolled employees shall terminate on the last day of the month in which the employee separates (i.e. an employee separating on June 15th shall receive dental and vision coverage through the last day in June).

1.9 Continuation of Benefits

As mandated by the Federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), any separating employees and/or eligible dependents that lose coverage may continue health, vision and/or dental insurance coverage under the City's plans and for a period of 18, 29, or 36 months, depending on the qualifying circumstance. COBRA coverage is paid for by the separated employee and an administrative fee may apply.

1.10 Patient Protection and Affordable Care Act of 2010

Per the Patient Protection and Affordable Care Act (PPACA) of 2010 and beginning with plan year effective January 1, 2015, all employees that are considered full-time (including temporary/variable employees) will be offered the opportunity to decline health coverage or enroll in one of the City's health plans.

Determination of full-time status is based on the number of hours worked; an employee must average 130 hours or more per month or 30 hours or more per week to be eligible. A temporary employee who is reasonably expected to work on a full-time basis from the time of hire will be automatically eligible and offered the option to enroll/waive health insurance coverage pursuant to the enrollment requirements in Section 3 of this policy. For all other employees that are not automatically eligible and are hired to work on a temporary "seasonal" or "variable" basis, the City will track all hours worked in a defined "measurement period" and divide the total by the number of months in that measurement period to determine if the employee averaged over 130 hours each month.

The City will use a 12-month measurement period for all current and newly hired temporary employees; the initial measurement period will start with the first day of the month following the date of hire. If the temporary employee is determined to be full-time at the end of the initial measurement period, then the employee will be offered health coverage during a subsequent "stability period," which will run for a period of 12 months and will start with the coverage effective date. The employee will be notified within fifteen (15) days of the measurement period end date if he/she is eligible to enroll in a health insurance plan and will be given an additional fifteen (15) days from the notification date to make an election to enroll or waive coverage.
If the employee elects coverage, per Federal law, the coverage will be effective the first of the following month after the measurement period end date and must be kept for the following 12 months; very limited circumstances would permit the employee to drop coverage mid-year. Employees must pay their share of the monthly premiums, which are set as required and allowed by Federal law. If the employee waives the coverage, the employee will not be eligible to enroll in the plan until the next open enrollment period, if found to be eligible under the plan’s standard measurement period.

Upon completion of the initial measurement period, all temporary employees will follow a standard measurement period, which will begin from the pay period that includes October 1 to October 1 of the following year to determine eligibility during the next plan year. Eligible employees will be allowed to make an election to enroll or continue coverage during the City’s open enrollment period. The stability period for employees who select coverage will be from January 1 to December 31. Existing temporary employees who are enrolled in a health plan and are determined not to meet the full-time eligibility status at the end of the standard measurement period will have their health coverage terminated effective December 31 of that same calendar year. Upon separation from employment, coverage will terminate as set forth above under the section, “Coverage upon Separation.”

As set forth by the PPACA, employee premium for single only coverage cannot exceed a set percentage of household income that is subject to periodic change by the Federal Government. As permitted by the law, the City will determine the corresponding employee premium and City contribution towards premiums in accordance with one of the Affordability Safe Harbors. If the employee chooses to enroll eligible dependent children and selects two-party or family coverage, the City contribution will be based on the single only coverage and the employee must pay the additional premium cost.

SECTION 2 – LIFE INSURANCE

The City provides a life insurance benefit to all employees that is equal to the employee’s annual salary increased to the nearest $1,000, to a maximum of $200,000. Additional life insurance may be purchased by employees at their cost. Upon separation from employment, continuation of life insurance coverage maybe purchased by employees at their cost.

SECTION 3 – DISABILITY INSURANCE

The City provides both short-term and long-term disability insurance coverage to all full-time and permanent part-time employees. Refer to the City’s Memoranda of Understanding with the Mid-Management and Miscellaneous service groups, and Resolution with the Management service group, for the terms and conditions of disability insurance benefits.

SECTION 4 – SECTION 125 PLAN/FLEXIBLE SPENDING ACCOUNT

As part of the employee benefits program, the City offers a Flexible Spending Account that allows employees to save money by paying for health care expenses and/or dependent care expenses with pre-tax dollars.

4.1 How the Flexible Spending Account Works

An employee can save money through the Flexible Spending Account by estimating how much he/she will spend on out-of-pocket personal and family health care and/or dependent care expenses.
expenses each year. An employee can set aside that amount of money into an account on a pre-tax basis. As expenses are incurred for health care and/or dependent care, the employee will be reimbursed through the Flexible Spending Account with pre-tax dollars set aside in the employee’s Flexible Spending Account. Normally, these expenses would be paid with after-tax money. Participation in the Flexible Spending Account program is strictly voluntary. There is no cost for the Flexible Spending Account and a debit card is also provided at no cost.

4.2 Health Care Expenses

Participating employees may use dollars set aside in their Flexible spending Account to request reimbursement for eligible out-of-pocket expenses such as deductibles and co-payments relating to health, dental, and vision care. If an employee and his/her family typically pay for deductibles and/or co-payments each year, the employee may consider enrolling in the Flexible Spending Account program.

4.3 Dependent Care Expenses

Employees who utilize dependent care services may also set aside pre-tax money in a Flexible Spending Account and use that money to be reimbursed for dependent care expenses (e.g. child day care). If an employee and his/her family typically pay for or anticipate the need for dependent care, the employee may consider enrolling in the Flexible Spending Account program.

SECTION 5 – EMPLOYEE ASSISTANCE PROGRAM (EAP)

The City provides an Employee Assistance Program (EAP) for all permanent full-time employees and any members of their household. The EAP provides face-to-face counseling along with a variety of other life-event services at no-cost to the employee or their family.

SECTION 6 – EMPLOYEES’ RETIREMENT SYSTEM

All permanent full-time employees, and permanent part-time employees shall be members of the California Public Employees’ Retirement System (CalPERS). The City is a member of the California Public Employees’ Retirement System (CalPERS). Eligible employees are required to participate in accordance with the rules of CalPERS. CalPERS Retirement benefits are available to all employees working at least 1,000 hours in a fiscal year, with the exception of employees working in the Library Page and Senior Library Page classifications, which are specifically excluded from coverage in the City’s CalPERS contract. All limited service employees (temporary/seasonal), as well as any other employees not eligible for membership in CalPERS, shall be placed in a retirement plan in lieu of the Social Security Retirement System.

The City provides CalPERS coverage for all full-time and permanent part-time employees under the 2.0% @ 55 benefit formula if hired prior to January 1, 2013. All employees hired on or after January 1, 2013, are subject to the Public Employees’ Pension Reform Act (PEPRA) formula of 2.0% at 62 if they were not prior members of CalPERS or certain other public pension plans, or if they had a break in service of more than six months. Refer to the City’s Memoranda of Understanding with the Mid-Management and Miscellaneous service groups, and Resolution with the Management service group, for the terms and conditions of the City’s retirement benefits.

SECTION 7 – DEFERRED COMPENSATION

The City offers employees the option of participating in a deferred compensation plan through pre-
tax employee contributions. As of October 1, 2018, the City provides a $50 per month employer contribution to this plan for all full-time and permanent part-time employees in the Miscellaneous and Mid-management employee groups.

SECTION 8 – LIMITED SERVICE (TEMPORARY/SEASONAL) EMPLOYEES

Employees of the City of Yorba Linda designated as limited service, seasonal and/or temporary (less than 30 hours per week) and including interns and substitute personnel, are non-benefitted and shall be compensated on an hourly basis. Such employees are not eligible for participation in any benefit program established by the City, except as required by State or Federal law. Therefore, limited service, seasonal and/or temporary (less than 30 hours per week) positions, including interns and substitute personnel, shall participate in the following benefit program: Mandatory enrollment in a retirement program in lieu of participation in Social Security.

Employment in limited service, seasonal and/or temporary (less than 30 hours per week) positions, including interns and substitute personnel, is considered “at-will” and may be terminated at any time with or without cause or prior notice to the employee and without right of appeal.

SECTION 9 – EMPLOYEE COMPUTER PURCHASE PROGRAM

9.1 Statement of Policy

The majority of City employees use computers to perform their work assignments. In an effort to encourage employees to increase their computer skills, the City offers an Employee Computer Purchase Program (ECPP). The ECPP provides City employees with an interest free loan for up to two (2) years, which allows employees to purchase approved hardware, software, and accessories for home use.

All eligible employees in good standing (as described below under Eligibility) may participate in the ECPP. The program allows employees to purchase a computer for personal use via a loan from the City with payments made through bi-weekly payroll deductions for up to two (2) years. All loans must have the approval of the Finance Director and the City Manager.

9.2 Eligibility

All benefited full-time and permanent part-time employees of the City of Yorba Linda who are considered employed "in good standing" are eligible to participate in the program. Employees are considered "in good standing" at the time of application for a computer loan if they:

1. Are not on any form of probationary status, including new hire probation;

2. Have not been subject to any disciplinary action involving a written reprimand or greater during the 12 months prior to application; and

3. Have a current satisfactory performance record with the City. Employees are considered to have a satisfactory performance record if their last performance evaluation has an overall rating of "Competent" or above.
9.3 Loan Amount

Each individual loan may not exceed three-thousand dollars ($3,000). While there is no limit to the number of loans an employee may receive throughout his or her career at the City of Yorba Linda, it is limited to one loan at a time (i.e. one computer system). At any one point in time, the total amount of loans outstanding for all participants may not exceed sixty-thousand dollars ($60,000).

9.4 Restrictions and Limitations

Any computer equipment purchased under this program must be for use by the employee. Each employee is limited to purchasing a computer through this program once every two (2) years. The purchase receipt must be in the employee's name or their spouse's name. However, the reimbursement check will be made payable to the City employee.

An employee may not use his or her position on the waiting list to purchase a computer for another employee who is farther down the list.

9.5 Computer Hardware & Software Standards

The City's Information Technology Manager will establish standards for purchases under this program and shall approve each purchase prior to approval by the Finance Director and City Manager. The City will not authorize payment for any software or hardware system that is not commonly found in the City's PC environment. Commonly found hardware is defined as, but not limited to, a central processing unit (CPU), monitor, modem, keyboard and mouse, additional drives, additional memory, and printers/scanners. Commonly found software is defined as a word processing application (such as Microsoft Word), a spreadsheet application (such as Excel), a presentation application (such as PowerPoint), a database application (such as Access), and anti-virus software. If you feel that an item you are requesting is essential to your job but are unsure if the City will accept it as "appropriate" equipment or software, you should contact the Information Technology Manager prior to the purchase to explain why you feel it is essential to your job and confirm that the City will deem the purchase to be eligible under this Policy. Items determined to be ineligible will be deducted from the loan amount granted by the City. The City Manager will ultimately determine whether the proposed hardware or software is eligible for purchase with loan proceeds with input from the Information Technology Manager.

9.6 Notification of Eligibility

When the Finance Department formally notifies the employee that he/she is eligible for the loan, the employee has fifteen (15) calendar days to either purchase a computer and submit an paid receipt or obtain a quote and submit the quote. Purchases may only be made after the employee has been formally notified by the Finance Department. If the employee fails to submit the invoice or receipt within the fifteen (15) day time frame, he/she will automatically be changed to "inactive".

The definition of "Inactive" means that the employee’s turn came up, but the employee elected to pass on getting a loan at that time; however, when the employee is ready to take advantage of the program, he/she will receive the next available loan upon turning in a quote or receipt to the Finance Department.

9.7 Loan Process

An employee who qualifies for the ECPP, and has been notified that he or she is eligible for a loan,
may do either of the following:

1. Solicit a bid for a computer package and then submit the quote from the vendor to the Finance Department. The City's payment shall go directly to the vendor. The vendor must be a \textit{bona fide} provider of computer products (e.g., retailers like Best Buy or wholesale manufacturers like Dell or Hewlett Packard. The Information Technology Manager shall determine whether a provider of computer products is a \textit{bona fide} provider.

Or

2. Provide an original "paid" receipt in the employee's (or spouse's) name. The City's payment shall go to the employee. The original receipt will be marked "ECPP" to indicate that reimbursement has been made through this program and the original receipt will be returned to the employee.

All documentation provided should include a detailed list of what the employee proposes to purchase or has already purchased.

Once the employee turns in his quote/receipt, the Policy Administrator will review the paperwork thoroughly to ensure the items are consistent with the ECPP Policy and shall deduct any items that are not covered under the program. At that time the employee will be required to complete and sign the ECPP contract and Payroll Deduction Authorization Form.

The loan contract and supporting documentation (including a payment authorization) is then sent to the City Manager for review/approval. The City Manager signs the appropriate paperwork and returns it to the Program Administrator. The Program Administrator then sends the paperwork to the Finance Department for issuance of a check. Please note that this process may take up to two (2) weeks. Once the Finance Department has issued the loan check, they will then contact the employee who must sign for its release. The check cannot be signed or released to anyone other than the employee to whom the check is issued.

\section{Payment Method}

Loans are scheduled for fifty-two (52) bi-weekly payroll deductions; this is a two-year interest-free loan. An employee may elect to pay off their loan balance early by providing a check to the Finance Department. When an employee terminates employment with the City, this loan becomes due and payable in full. Any balance outstanding will be billed to the employee and the employee must pay the balance owed upon separation from the City. Any amount that remains unpaid following an employee’s separation from the City will be forwarded to the City’s collection agency for recovery from the employee.

\section{Other Purchases}

Nothing in this policy is intended to limit an employee's ability to use his or her own funds to buy other types of software or accessories (e.g., digital cameras, game-related software/items, extended service agreements, etc.). However, these products may not be purchased with proceeds of the City's no-interest loan and will be deducted from the loan amount.
9.10 Modifications to the Policy

The City reserves the right to modify this program/policy at any time at the direction of the City Manager. Any modification shall not affect an individual who has already received a loan, but the modification may affect any individual on the waiting list who has not yet made a hardware or software purchase.

9.11 Program Administration

The Finance Director is responsible for maintaining an electronic record of all employees who have either received a loan or are on the waiting list to receive a loan. They are responsible for informing the employee when it is their turn for a loan, processing the loan request, distributing the check, keeping a log of outstanding loans, and tracking the balance of funds available under the program.

SECTION 10 – EMPLOYEE FITNESS PROGRAM

10.1 Purpose

The City of Yorba Linda’s strength and success depends on its employees. Healthier employees are more productive and effective workers, require less expensive medical care, and are more satisfied with their jobs and their employer. Chronic diseases such as heart disease, stroke, cancer, obesity, and diabetes are among the most prevalent and costly health problems for employers and employees. Regular physical fitness can prevent or delay the onset of many of these chronic health conditions and their associated health care costs, and in turn, increase employee retention and reduce absenteeism. In an effort to promote healthy lifestyles and physical fitness, the City offers an Employee Fitness Program (EFP). The EFP provides City employees and their families with an interest free loan for up to one year, which allows employees to purchase fitness/gym memberships for themselves and their immediate family members at a discounted rate as offered by established health clubs.

10.2 Statement of Policy

All eligible employees in good standing (as described below under Eligibility) may participate in the EFP. This voluntary program allows employees to purchase a fitness membership (at a discounted rate) via a loan from the City with payments made through a bi-weekly payroll deduction for up to one (1) year. All loans must have the approval of the employee’s Department Head, the Finance Director, and the City Manager.

10.3 Eligibility

All full-time and permanent part-time employees of the City of Yorba Linda who are considered employed “in good standing” and their immediate family members (spouse and children) are eligible to participate in the program. Employees are considered “in good standing” at the time of application for a fitness loan if they:

1. Are not on any form of probationary status, including new hire probation;

2. Have not been subject to any disciplinary action involving a written reprimand or greater during the twelve (12) months prior to application; and

3. Do have a current satisfactory performance record with the City. Employees are
considered to have a satisfactory performance record if their last performance evaluation has an overall rating of "Competent" or above.

10.4 Loan Process

Employees must complete the employee fitness program application and submit to the Program Administrator (Administration Department) for review and verification of eligibility. An employee who qualifies for the EFP will be notified that he or she is eligible for a loan and will then be required to sign the EFP Contract and Payroll Deduction Authorization Form. If there are no changes to the application, recurring program participants will not be required to submit a new application each year, but instead will complete the Employee Fitness Renewal Form. Program participants will be placed on a waitlist if the program’s maximum loan amount has been reached. Waitlist participants will be notified when the next loan becomes available.

If an employee chooses to participate in this program, the employee may either:

1. Solicit a bid for a fitness membership and then submit the quote from the fitness club to the Program Administrator. The City’s payment shall go directly to the vendor. The vendor must be a bona fide provider of fitness clubs (e.g. retailers like 24 Hour fitness, LA Fitness). The Program Administrator alone shall determine whether the proposed fitness provider is a bona fide provider.

   Or

2. Provide an original “paid” receipt for the fitness membership from a bona fide provider in the employee’s name or spouse's name. The City’s payment shall go to the employee. The original receipt will be marked “EFP” to indicate that reimbursement has been made through this program and the original receipt will be returned to the employee.

All documentation provided should include details on the membership rates. Once the employee submits the invoice or receipt, the Program Administrator will review the paperwork thoroughly to ensure the items are consistent with the EFP program guidelines and completed application and shall deduct any items that are not covered under the regulations. The loan contract and supporting documentation (including a payment authorization) is then sent to the City Manager for review/approval.

The City Manager signs the appropriate paperwork and returns it to the Program Administrator. The Program Administrator then sends the paperwork to Finance for issuance of a check. Please note that this process may take up to two (2) weeks. Once the Program Administrator has the loan check, they will then contact the employee who must sign for its release. The check cannot be signed for by or released to anyone other than the employee to whom the check is issued.

10.5 Multiple Loans

While there is no limit to the number of loans an employee may receive throughout his or her career at the City of Yorba Linda, employees are limited to one (1) loan at a time (multiple fitness memberships for spouse and/or children are considered to be included in the employee’s loan). An employee may not use his or her position on the waiting list to purchase a fitness membership for another employee who is farther down the list.
10.6 Restrictions and Limitations

The employee loan must not exceed the yearly membership rates provided by the City’s approved fitness provider (24 Hour Fitness). Enrollment for this program will take place on a quarterly basis.

The fitness memberships purchased under this program must be for use by the employee and/or their immediate family members, which includes a spouse and children. The fitness memberships purchased must be in the employee’s name, their spouse’s name, or their children’s name. However, the reimbursement check will be made payable to the City employee.

10.7 Payment Method

Loan payments will be scheduled for repayment via payroll deductions; this is a one-year interest-free loan. An employee may elect to pay in full (at time of enrollment) or pay off their loan balance early by providing a check to Finance. When an employee terminates employment with the City, this loan becomes due and payable in full. Any balance outstanding will be billed to the employee. Any amount that remains unpaid following an employee’s separation from the City will be forwarded to the City’s collection agency for recovery from the employee.

10.8 Voluntary Participation

The EFP is a completely voluntary program solely for the benefit of City Employees. Participation in the EFP is not a requirement of employment with the City. An employee’s decision to participate or not participate in the EFP will have no bearing whatsoever on future performance evaluations, opportunities for advancement, or continued employment with the City.

10.9 Modifications to the Policy

The City reserves the right to modify this program/policy at any time at the direction of the City Manager. Any modification shall not affect an individual who has already received a loan, but the modification may affect any individual whose application has not yet been approved.

10.10 Program Administrator

The Program Administrator is responsible for maintaining an electronic record of all employees who have received a loan. He/she is responsible for processing the loan request, distributing the check, keeping a log of account numbers, and maintaining records to keep track of available funds.

SECTION 11 – EMPLOYEE PARKING

Parking is provided for City employees who are assigned to City Hall directly behind and in front of the City Hall building. Parking behind City Hall is reserved and available to employees with pre-assigned parking spaces only. All other employees are required to use parking spaces in front of City Hall. When parking in front of City Hall, be careful not to park in the spaces nearest to the building. These spaces are reserved for convenient access by the general public to City Hall. Maintenance personnel are provided a parking area at the City Yard. Personnel at the Yorba Linda Public Library and recreation facilities are to check with their supervisor to determine appropriate parking areas.
CHAPTER 7 – TIME AT AND AWAY FROM WORK

SECTION 1 – ATTENDANCE AND PUNCTUALITY

Employees of the City of Yorba Linda have accepted the responsibility of performing assigned job tasks as a service to the community. Employees are expected to be ready to start work at the beginning of their designated work hours. Employees wishing to address personal matters should do so prior to the beginning of their designed work hours. Employees shall be expected to make every effort to schedule personal leaves, including family business and health appointments, on their scheduled day off. Excessive absenteeism and lateness can cause extra burden on co-workers in the delivery of City services.

When compelling personal reasons require absence from work, employees should provide as much advance notice as possible to allow for scheduling and redistribution of the work. If illness or some other emergency causes an unplanned absence, the employee must speak directly with their supervisor as soon as practicable for each day of absence, or early departure from work due to illness. If the immediate supervisor is unavailable, the employee is required to speak directly with the next higher level of authority available. It is not acceptable to report an absence to a co-worker. Failure to call in may result in disciplinary action.

The City of Yorba Linda is committed to complying with all applicable leave laws, and upon verbal or written notice from an employee of a qualifying circumstance, the City shall respond with appropriate designation and accommodation as required.

Foreseeable needs for time off should be requested a minimum of seventy-two (72) hours in advance by following applicable department policy for the reporting of absences. It is incumbent upon the supervisor, not the employee, to notify the division manager and/or department head of such requests if such notice is required by the department’s policy.

For purposes of reporting time worked, all time will be recorded in fifteen (15) minute increments. Employees arriving late or departing early from their shifts will have their reported time reduced by fifteen (15) minutes for every full fifteen (15) minute increment or work missed. Unexpected absence increments less than fifteen (15) minutes will be recorded as time worked. For time worked in excess of the regular shift, reported time worked will be rounded up to the next fifteen (15) minute increment.

SECTION 2 – WORKWEEK AND SCHEDULES

2.1 General Policy

Depending on City requirements, some employees may be required to work different schedules. Each employee’s schedule hours of work will be determined based on staffing requirements to meet the needs of the City and our business objectives. Therefore, the City reserves the right to schedule employees to work an earlier or later schedule.

Variations in work schedules may be approved by the City Manager but must be requested and approved in writing prior to the employee making any changes to their schedule. Such requests will be evaluated to ensure appropriate and adequate staff coverage in considering the request for a modified schedule.
2.2 Workweek and Alternative 9/80 Work Schedule

The work period for full-time employees will be forty (40) hours. The first work period will end, and the second work period will begin, in the middle of the first Friday in the pay period, which is the employee’s scheduled eight (8) hour day. Four (4) hours will belong to the first work period and the remaining four (4) hours of that day will belong to the second work period. The second Friday of the pay period shall be the day designated for City Hall and City Yard closure. Work periods may break on different days of the week in cases where the City Manager has made an exception from 9/80 Plan. The City may establish additional standard workweek schedules to accommodate other unique circumstances.

Full-time employees shall generally be included in the City’s 9/80 alternative work schedule. The City shall make every effort to place all employees on the 9/80 Plan; however, exceptions to the 9/80 schedule are determined by the City Manager when necessary in order to maintain specific City operations and service levels. Such exceptions may be made at the discretion of the City Manager. The City’s 9/80 alternative work schedule conforms to the Fair Labor Standards Act (FLSA). The alternative work schedule provides extended service hours to the public and reduces operational costs.

The 9/80 alternative work schedule shall consist of two (2) consecutive work periods containing the equivalent of nine (9) work days instead of ten (10) work days in a two-week period. Employees will work eight (8) days for nine (9) hours a day, and one (1) day for eight (8) hours, for a total of eighty (80) hours in a two-week period.

The 9/80 Plan permits a day off on the second Friday of each pay period. Employees shall work one (1) day of eight (8) hours on the first Friday of the pay period. City Hall and the City Yard shall be closed during the Friday off. Recreational facilities such as the Community Center, Lasorda Field House, and Travis Ranch Activity Center shall remain open. However, full-time employees at said facilities shall participate in the 9/80 Plan by alternating their schedules and utilizing part-time staff to provide adequate coverage.

Changes in any employee’s 9/80 work schedule must be coordinated through the employee’s Department Head and the City Manager to ensure that the changes to the 9/80 plan coincide with FLSA requirements and City operational needs.

The following depicts the 9/80 pay period and work periods:

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<tr>
<th>Day</th>
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<tbody>
<tr>
<td>Period</td>
<td>First Work Period</td>
<td>Second Work Period</td>
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2.3 Full-time Non-Exempt Employees Work Schedules

All full-time non-exempt employees shall work designated hours as established by their supervisors and department head, depending on assignment, with an unpaid thirty (30) minute meal period, or unpaid one (1) hour meal period. Variations to set schedules may be approved by the City Manager on a case-by-case basis.

1. Maintenance Personnel who report to the City yard shall depart to their assigned work area no later than 15 minutes after the start of their shift. Power equipment is not to be used in the field prior to 7:00 a.m. Prolonged “warming up” of vehicles in
the City Yard is not permitted. Break periods will be taken at the job location, and no travel time is paid for breaks or lunches. Return time to the City Yard for cleanup will be no earlier than fifteen (15) minutes prior to the scheduled end of the workday unless directed otherwise by the supervisor.

2. **Library – Day Shift** may not be relieved from duty until the night shift staff member arrives to assume the night shift and cover the public desk. Day shift staff members will complete all functions necessary to have the library fully operating no later than 9:00 a.m.

3. **Library – Night Shift.** Certain Library employees are required to work a night shift on one or more days of the week. There is no night shift on Fridays or Saturdays.

4. **City Hall/Administrative Staff** shall work hours in accordance with the operating hours of City Hall:

<table>
<thead>
<tr>
<th>Work Hours</th>
<th>Days</th>
<th>Meal Period</th>
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<tbody>
<tr>
<td>7:30 a.m. – 5:30 p.m.</td>
<td>Monday – Thursday</td>
<td>One (1) hour</td>
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<tr>
<td>8:00 a.m. – 5:00 p.m.</td>
<td>Friday with alternating</td>
<td>One (1) hour</td>
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<td>Friday off</td>
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2.4 **Full-time Exempt (Salaried) Employees Work Schedule**

Exempt (salaried) employees are generally expected to maintain the same work schedule and office hours as non-exempt employees unless pre-authorized by the City Manager. The City of Yorba Linda strives to be a family-friendly work environment that recognizes the need to balance work-home life. The City will support the need for exempt employees to have some flexibility in the work schedule, to the extent that exempt employees demonstrate that a minimum of forty (40) hours per week is achieved, which shall include use of approved leaves from time banks (e.g. sick leave, vacation leave, etc.). Variances in the employee’s regular schedule must be discussed and approved in advance by the City Manager. Such flexibility may be achieved by coming in early when there is a need to leave early or staying late when the employee needs to arrive late. In all cases, the business needs of the City and its residents must be considered and maintained as a top priority. Any perceived abuse of the City’s flexibility and/or failure of the exempt employee to fulfill the required forty (40) hours will result in the loss of privilege for flexibility. Exempt employees shall not receive less than forty (40) hours per week compensation as salaried employees, except under special circumstances. Such instances should be discussed with the City Manager for appropriate review and handling.

Exempt employees shall work those extra hours as needed to perform their duties, to attend special events, and/or to attend meetings after hours as required by the City Manager. Exempt employees receive administrative leave in recognition of the extra hours that they are expected to work.
2.5 **Part-time Non-Exempt Employees Work Schedule**

All part-time non-exempt employees shall work designated hours as established by their supervisors and department heads and shall be eligible for rest and meal breaks consistent with the rules for full-time non-exempt employees.

2.6 **Special Events, City Council Meetings, and Commission Meetings**

All employees may be required to work special events and/or to attend City Council, Commission, and/or other meetings outside of normal working hours.

Non-exempt employees who are assigned to work such events and to attend meetings after hours shall either receive overtime compensation or compensatory time off at the applicable rate. Such employees may also request approval to flex their schedule by taking time off during the same FLSA work week in which they will be required to work the special event that is equivalent to the hours worked for the special event. Requests to use compensatory time off or flex time must be made a minimum of seven (7) days in advance prior to the event and will be evaluated to ensure appropriate and adequate staff coverage.

**SECTION 3 – REST AND MEAL PERIODS – NON-EXEMPT EMPLOYEES**

3.1 **Rest Periods**

Employees whose total daily work time is at least three and one-half (3.5) hours must take a mandatory paid rest period of fifteen (15) minutes. A fifteen (15) minute rest period is mandatory for every four (4) hours worked, or “major fraction thereof.” Rest breaks must be taken during the work periods prior to the meal period and after the meal period. As much as practicable, the rest break should be taken in the middle of the work period. Rest breaks shall not be combined with meal periods to provide an extended meal period.

Field employees should take rest breaks at or near the job site only if they can return to the job site within the designated time limit. If in transit between work locations, the break may be taken at a nearby park or at the next work site. Rest breaks are treated as hours worked and are paid as time worked. Because employees receive compensation for rest breaks, they can be required to remain on the premises during their rest breaks but must be relieved of all duty.

3.2 **Meal Periods**

Non-exempt employees who work more than five (5) hours must take an unpaid, off-duty meal period of at least thirty (30) minutes.

When a work period of not more than six (6) hours will complete the day’s work, the meal period may be waived by mutual consent of the City and the employee. Such requests must be communicated in writing, and a copy of the request and approval shall be properly documented in the employee’s reporting of hours worked to payroll. Employees and supervisors using this option must ensure that the employee ends their shift immediately after completing the sixth hour of work. Employees who work more than ten (10) hours are entitled to a second unpaid, off duty meal break.

Non-exempt employees must accurately record each meal period. Each meal break must be at least 30 minutes long.
3.3 General Provisions

During rest and meal periods, employees shall be relieved of all duties. Employees should refrain from taking rest and meal periods at their desks to ensure that a bona fide, uninterrupted rest and meal period has been taken. The City does not discourage or interfere with the right to take rest and meal breaks. Employees should contact the City Manager or Human Resources Manager if not provided reasonable opportunity to take these breaks within one (1) hour of occurrence, so that appropriate action may be taken.

Rest and meal periods may not be saved or used at another time or to make up a late arrival, or to shorten the workday. Rest and meal breaks may not be taken within one (1) hour of starting time, or quitting time unless special circumstances make this desirable, and in which case prior approval shall be obtained from the employee’s immediate supervisor.

Rest and meal periods are regulated by the Department Head, or designee, to ensure continuous coverage of the department throughout the day. Supervisors are responsible for ensuring that employees are provided the opportunity for rest and meal breaks in accordance with these rules.

3.4 Use of City Facilities

Where adequate on-site facilities exist, employees should use the areas and facilities provided for rest periods. The employee lounges, located in the back of City Hall, at the City Yard, and on the second floor of the Yorba Linda Public Library, have been provided for the use of all employees during their rest and meal periods. Employee lounges are not intended as a place for employees to interact with friends, relatives, guests, or other non-business-related acquaintances during business hours. Treating equipment properly and keeping facilities clean is the responsibility of all City employees.

SECTION 4 – HOLIDAYS/FLOATING HOLIDAYS

4.1 Holidays Observed

Holidays shall be observed in accordance with the City’s Memoranda of Understanding with the Mid-Management and Miscellaneous Employee Associations and Resolution with the Management Employee Association. Refer to the applicable MOU or Resolution for the holiday schedule.

4.2 Holiday Pay

All full-time and permanent part-time employees (including probationary employees) shall not be required to be on duty on holidays unless the employee’s services are needed and required in the interests of the public health, safety, or general welfare. In such a case, any such employee shall be entitled to compensation at two (2) times the regular rate of pay if the employee has worked in excess of forty (40) hours for the week in which the holiday occurs.

Each of the designated holidays which fall on a working day when City offices are normally open under the City’s 9/80 Plan will be observed for the same number of hours as that normally scheduled work day. Therefore, for full-time employees, holidays that fall on an eight (8) hour Friday will be compensated as eight (8) hours, holidays that fall on a normal nine (9) hour workday will be compensated as nine (9) hours, and holidays that fall on a normal ten (10) hour workday will be compensated as ten (10) hours. For permanent part-time employees, the applicable number of
holiday hours granted on a holiday shall be determined based on the number of hours that the employee would normally work on that day (i.e. an employee who normally works six (6) hours on the day of the holiday shall receive six (6) holiday hours of pay.

If a holiday falls on an employee’s regularly scheduled day off, the employee shall be paid for the holiday.

Employees who are sick on holidays that are normal duty days will not receive extra holiday credit and will not be charged for sick leave.

If an employee is on leave without pay during the time period in which the holiday occurs, the employee will not receive holiday pay.

Temporary/Seasonal part-time employees working less than thirty (30) hours per week are not eligible for holiday pay.

4.3 Floating Holidays

Floating holidays may be earned pursuant to the City’s memoranda of understanding and or resolutions governing labor contracts with the City’s Employee Associations by banking unused holidays when an employee is required to work on a scheduled holiday or when a City-recognized holiday occurs on an employee’s scheduled day off. Floating holiday hours may be used subject to approval of the Department Director after consideration of the departmental workload and other staffing considerations, such as, but not limited to, the leave schedules of other employees already approved, medical leave and position vacancies. The floating holiday will be credited for the same number of hours as scheduled on the day the holiday floater is taken. Floating holiday hours shall be taken during the same fiscal year in which they are earned, and if not used, shall be lost.

If a floating holiday is taken on a day when an employee is scheduled to work, the employee must have a sufficient number of floating holiday hours, vacation leave, or compensated time to cover the eight (8) or nine (9) hour workday. Absent these accrued leave times, an employee’s time will be reflected as leave without pay for the difference.

SECTION 5 – CITY HALL/FACILITY CLOSURES

The City Manager may authorize from time to time, at his/her sole discretion, periodic early closures of City Hall and other City facilities. These closures may include an early release of employees prior to a major holiday. Such closures are not to be considered guaranteed based on any past closures and may vary based on the day of the week that a major holiday falls and other factors. Individual Departments or City facilities may not release employees in a manner that is inconsistent with the directive otherwise issued to City Departments and facilities by the City Manager without prior approval of the City Manager.

When such closure has been approved and granted, all full-time employees shall be released from duty. If an employee is required to work and is unable to be released due to business necessity, or is absent on the day of early closure due to preplanned vacation or sick leave, such employee shall receive the equivalent hours converted to floater hours that may be taken at any time during the fiscal year.

When such closure has been approved and granted, all permanent part-time competitive service employees shall receive paid time off based on actual hours scheduled to be worked on the given
day during which full-time employees have been released from duty, and shall be released from duty. If an employee is required to work and unable to be released for business necessity, or is absent on the day of early closure due to pre-planned vacation or sick leave, such employee shall receive the equivalent hours converted to floater hours that may be taken at any time during the fiscal year.

Temporary/Seasonal part-time employees may also be released but shall not receive compensation for the hours lost. Such hours may be re-scheduled by the employees’ supervisor for another day in the pay period.

SECTION 6 – VACATION LEAVE AND MANAGEMENT ANNUAL LEAVE

6.1 Accrual of Vacation Leave

All permanent full-time competitive service Miscellaneous and Mid-Management employees shall be granted annual vacation leave and shall accrue annual vacation leave for each month of continuous service, starting from the first day of probationary appointment, on a prorated basis and in accordance with the Memoranda of Understanding for the employee’s service group. Refer to the City’s Memoranda of Understanding with the Mid-Management and Miscellaneous service groups for accrual rates.

Permanent part-time competitive service employees shall accrue vacation leave on a pro-rata basis based on the budgeted full-time equivalent level of their position (e.g. 0.75 or 0.50). Temporary part-time employees are not eligible for vacation leave accruals.

The City of Yorba Linda does not allow for accrual of vacation time in excess of double an employee’s annual accrual. Any excess “carryover” hours must be approved by the City Manager. Once the maximum accrual is reached, there is no more accrual of vacation until the employee uses accrued time and has room to accrue additional hours under the maximum.

Absence due to sick leave, industrial leave, subpoenaed absence, jury duty, holidays, administrative leave, or personal necessity leave will not affect computations for accruals. Any other absence shall be considered a break in the employee's continuous service. A break in an employee's continuous service shall cause an associated break in the accrual of vacation leave.

In lieu of vacation and sick leave, Management employees and the City Manager shall be granted annual leave and shall accrue annual leave for each month of continuous service, starting from the first day of appointment, on a prorated basis and in accordance with the Resolution for the Management service group. Refer to the City’s Resolution with the Management service group for accrual rates.

6.2 Use of Vacation Leave and Management Annual Leave

Employees shall be eligible to use vacation or annual leave as it is accrued. Employees shall request use of vacation or annual leave a reasonable time in advance, preferably a minimum of seven (7) days, of the proposed use of the vacation or annual leave. Same day requests are discouraged and will be considered on a case-by-case basis and in emergency situations. Any time an employee knows in advance that he/she will be absent from work for any reason, he/she must follow applicable department policy for the reporting of absences. All requests for use of vacation must be approved by the employee’s supervisor and the relevant Department Head. The City Manager should be informed of any planned use of annual leave by a Management employee.
In considering vacation requests, every attempt at fairness shall be exercised including past frequency of time off, number of requests in one (1) year, and departmental staffing needs. Generally, requests shall be considered on a first-requested, first approved basis.

Observed holidays occurring during vacation leave shall not be counted as days of vacation; rather, the holiday shall be considered observed.

Vacation leave may not be used in lieu of paid sick leave unless an employee’s sick leave accrual has been exhausted.

Upon termination, employees shall be compensated for accrued unused vacation or annual leave at their then current pay rate.

6.3 Vacation or Management Annual Leave Buy-Back

An employee may request to buy-back any unused vacation or annual leave time above one-half (1/2) of the employee’s annual vacation or annual leave accrual in June of each year at the employee’s option. The buyback is based on the number of unused vacation or annual leave hours requested for buy back multiplied by the employee’s hourly rate. In order to be eligible for the yearly buyback, Miscellaneous and Mid-Management employees must utilize a minimum of forty (40) hours of vacation during the fiscal year in which the buyback is requested. Management employees and the City Manager are not required to use any annual leave during the fiscal year in which the buyback is requested.

Vacation or annual leave accruals for which the employee receives compensation (buyback) will be deducted from the employee’s accumulated total.

An employee desiring to exercise this option must make a written request to the City Manager for approval.

SECTION 7 – SICK LEAVE

7.1 Accrual of Sick Leave – Permanent Full and Part-time Employees

All permanent full-time competitive service Miscellaneous and Mid-Management employees shall be granted annual sick leave and shall accrue annual sick leave in accordance with the Memoranda of Understanding for the employee’s Employee Association. Refer to the City’s Memoranda of Understanding with the Mid-Management and Miscellaneous Employee Associations for accrual rates. The Management Employee Association and the City Manager shall not receive sick leave; rather, they shall utilize accrued annual leave in lieu of sick leave, which may be used for the purposes described in Section 7.3 below.

Permanent part-time competitive service employees shall accrue sick leave on a pro-rata basis based on the budgeted full-time equivalent level of their position (e.g. 0.75 or 0.50).

The City of Yorba Linda will not allow for accrual of sick leave in excess of twenty-five-hundred (2500) hours.

Absence due to sick leave, industrial leave, vacation leave, subpoenaed absence, jury duty, holidays, administrative leave, or personal necessity leave will not affect computations for accruals.
Any other absence shall be considered a break in the employee's continuous service. A break in an employee's continuous service shall cause an associated break in the accrual of sick leave.

7.2 Temporary/Seasonal Part-time Employees

Temporary/seasonal part-time employees who work thirty (30) or more days within a year shall receive one hour of accrued sick leave for every thirty (30) hours worked. Employees who qualify for sick leave under this section are entitled to use accrued sick days beginning on the 90th day of employment. Up to twenty-four (24) hours of sick leave may be used per calendar year, the accrual of sick leave shall be capped at forty-eight (48) hours, and sick leave may not be cashed out.

7.3 Use of Sick Leave

Sick leave shall be used for the purposes set forth in the Healthy Workplace Healthy Families Act (HWHFA). An employee eligible for sick leave with pay shall be granted such leave for the following reasons:

a. Illness or physical incapacity of employee or immediate family. "Immediate family" is limited to any relative of blood or marriage who is a member of the employee's household, under the same roof; and any parent, grandparent, spouse, child, brother, sister, father-in-law, brother-in-law, mother-in-law, or sister-in-law of the employee's, regardless of residence.

b. Enforced quarantine of the employee in accordance with community health regulations.

c. Doctor appointments for the employee or immediate family, as defined above.

Employees shall be eligible to use sick leave as it is accrued. Sick leave may be used upon an employee's oral or written request. If the need for paid sick leave is foreseeable (e.g. for planned doctor appointments), an employee must provide “reasonable” advance notice and follow applicable department policy for the reporting of absences. If the need for paid sick leave is not foreseeable, the employee must provide notice to their supervisor "as soon as practicable" and/or within one-half (1/2) hour of the beginning of their work shift of each sick day, or prior to leaving the worksite when becoming ill during the work shift. Failure to provide notice in accordance with this policy may be cause for disciplinary action. In the event that the use of sick leave extends beyond three consecutive work days, an employee may be required to provide a doctor’s note to a supervisor upon request that substantiates the employee’s illness and need to be away from the workplace. In compliance with the HWHFA, the requirement for a doctor’s note only extends to competitive service employees who are paid at least 30% more than the state minimum wage and who are covered by a Memorandum of Understanding with an Employee Association. At-will employees and employees who are paid less than 30% more than the state minimum wage are not required provide a doctor’s note to their supervisor.

Observed holidays occurring during sick leave shall not be counted as days of sick leave, rather the holiday shall be considered observed.

Vacation leave may not be used in lieu of paid sick leave unless employee’s sick leave accrual has been exhausted.

Employees hired on or after July 1, 2001, shall not be eligible for compensation of any unused sick leave upon separation. Employees hired prior to July 1, 2001, shall be paid upon separation any
accumulated, unused sick leave at their then current pay rate in accordance with the Memoranda of Understanding or Resolution for the employee’s service group. Refer to the City’s Memoranda of Understanding with the Mid-Management and Miscellaneous service groups for the schedule of compensation based on years of service.

SECTION 8 – PERSONAL NECESSITY LEAVE

All permanent full- and part-time employees participating in a 9/80 or other modified schedule shall not be granted personal necessity leave. Personal necessity leave was eliminated from the benefits afforded to these employees at the time that the 9/80 schedule was implemented by the City.

All permanent full- and part-time employees not participating in a 9/80 or other modified schedule (i.e. those working regular five-day, forty-hour schedules) shall be granted personal necessity leave not to exceed five (5) days per fiscal year. Personal necessity leave shall be used only for circumstances requiring the employee to be away from the office that are not covered under Section 7 – Sick Leave above such as non-medical appointments that cannot be scheduled on the employee’s regular days off or other emergencies such as urgent home repairs. Personal necessity leave shall not be used as additional vacation leave or for appointments that could be scheduled on an employee’s regular days off. Use of personal necessity leave shall be deducted from an employee’s accumulated sick leave accruals.

SECTION 9 – GENERAL INFORMATION ON LEAVES OF ABSENCE

Generally, but not always, leaves of absences are unpaid. Employees have certain rights to substitute accrued paid leave for unpaid leave. Employees are not to perform work while on leave without prior authorization from the City Manager. While on leave, employees are still employees, and there is no break-in-service for purposes of longevity or seniority.

To the extent required by law, upon completion of the leave, the employee will be returned to his or her position, or to an equivalent position, without the loss of pay or benefits. An employee’s failure to return to work as scheduled may result in separation from City employment.

The provisions relating to leaves shall apply to all employees including miscellaneous, management, and mid-management positions, and other temporary/seasonal employees to the extent that such employees meet the eligibility criteria as established by state or federal law.

As to exempt employees, the City will administer its leave policies so as to preserve the employee’s status as an exempt employee.

Unless otherwise required by law, employees will not be covered by non-health benefit plans (i.e. the California Public Employees’ Retirement System (CalPERS)) unless the employee uses paid time off accruals during the leave. The employee shall make the appropriate contribution for coverage under non-health benefit plans if the plans allow for such employee payment.

During an approved leave of absence for family, medical, or pregnancy disability leave, an employee will be retained on the City’s health, vision, and dental insurance plans for twelve (12) weeks, provided that the employee pays all corresponding premium costs. Coverage shall continue beyond the twelve (12) weeks while the employee is using accrued paid sick leave (required) and the optional/elected use of vacation leave, compensatory time off, or administrative leave. Following the twelve (12) weeks of coverage, and the exhaustion of required or elected use of leave balances, in which there are insufficient accruals available equivalent to the employee’s
regular status (e.g. full-time, or part-time), the employee will be responsible for the payment of premiums for the City’s health, vision, and dental insurance plans. Failure by the employee to pay the insurance premiums may result in a loss of coverage. The City will cease to maintain the employee’s insurance coverage if an employee’s premium payment is more than thirty (30) days late. The City will notify the employee fifteen (15) days before coverage is terminated.

City-sponsored premiums for benefits for all other leaves of absences will continue only through the end of the month in which the leave begins subject to the terms, conditions, and limitations of the applicable plans for which the employee is otherwise eligible, and except where otherwise mandated by state or federal law. When the employee returns from leave, the City will again provide benefits according to the applicable plans.

If unpaid leave is taken, an adjustment will be made in the employee’s anniversary date for merit increases and the employee’s accrual of vacation and sick leave will cease until a return to paid status.

Instances may exist where two (2) or more leave of absence policies provide overlapping protection for eligible employees. It is the intention of the City’s policies to limit employees to the time available under the single most favorable leave of absence policy and to prevent employees from exceeding the limitations of that policy. This means that when the applicable law permits, all leaves of absences run concurrently.

Employees should be aware that no two (2) leave of absence situations are exactly the same and should not expect that what occurred for other employees to apply to their personal situation.

The City Manager shall place employees on leave when, in the reasonable judgment of the supervisor and Department Head, the presence of the employee at work would endanger the health and welfare of other employees or where the illness or injury of the employee interferes with the performance of such employee’s essential duties. Unless the law provides otherwise, leave under these circumstances will be unpaid unless the employee elects to use available sick leave, vacation leave, compensatory time, or administrative leave.

For more detailed information regarding the types of leave, eligibility for leave, payment for leave, and the length of leave normally authorized, see the individual descriptions of each type of leave that follow.
SECTION 10 – FAMILY CARE LEAVE (FMLA/CFRA)

10.1 Eligibility
The City provides family leave time to eligible employees as required under the federal FMLA and/or CFRA. To be eligible, employees must:

- Have more than twelve (12) months of service;
- Have worked at least 1,250 hours during the previous twelve (12) -month period before the date the leave is to begin; and
- Be eligible for any “qualifying exigency” (as defined by federal regulations) because the employee is the spouse, son, daughter, or parent of an individual on covered active military duty (or has been notified of an impending call or order to active duty) in the Armed Forces (including the National Guard and Reserves).

10.2 Entitlement
For FMLA/CFRA leave, an employee is entitled to up to a total of twelve (12) workweeks of unpaid leave during any twelve (12) -month period. The City has adopted the rolling forward twelve (12) -month method of calculating the twelve (12) -month period in which leave entitlement occurs from the date an employee uses any family leave.

In no event shall the total leave taken in connection with the birth of a child exceed four (4) months of pregnancy disability/FMLA leave and twelve (12) weeks of combined CFRA leave.

10.3 Leave Reasons
Leaves shall be taken for the reasons permitted by law, including the following:

1. Employee’s own serious health condition;
2. Birth and bonding of a newborn child, adopted child, or foster child;
3. Placement with the employee of a son or daughter for adoption or foster care;
4. Serious health condition of the employee’s child, parent, spouse, registered domestic partner, or the child of a registered domestic partner, grandparents, grandchildren, and siblings;
5. Pregnancy-related disability.
6. Military exigency

10.4 Special Rules Regarding the Employment of Spouses/Parents
Where CFRA leave is running separate and apart from FMLA leave (such as following a pregnancy disability/FMLA leave), and both "parents" are employed by the City, the full leave entitlement shall be available to both parents.

10.5 Notice
Employees are required to provide the City with thirty (30) days’ advance notice before taking family leave if the need for leave is anticipated. Subject to the health care provider’s approval, employees must make a reasonable effort to minimize the disruption of the City’s operations. If thirty (30) days’ advance notice is not possible, notice to the City must be given as soon as it is feasible.
10.6 Medical Certification

The City requires the employee to provide medical certification within fifteen (15) calendar days of the City’s request for said certification, unless it is not practicable to do so. An employee may be terminated if the required certification is not provided and the employee remains absent from work. The City may require re-certification from the health care provider if additional leave is required.

If the leave is needed to care for a sick child, spouse, or parent, the employee must provide a certification from the health care provider stating:

1. Date of commencement of the serious health condition;
2. Probable duration of the condition;
3. Estimated amount of time for care by the health care provider;
4. Confirmation that the serious health condition warrants the participation of the employee to provide care.

If an employee cites his/her own serious health condition as a reason for leave, the employee must provide a certification from the health care provider stating:

1. Date of commencement of the serious health condition;
2. Probable duration of the condition;
3. Inability of the employee to work at all or perform any one (1) or more of the essential functions of his/her position because of the serious health condition.

10.7 Release to Return to Work

The City will require certification by the employee’s health care provider that the employee is released to return to his/her job. Employees may not return to work without such certification. The certification should be given to the City Manager prior to the beginning of the scheduled work day as allowed by the health care provider. Failure to provide certification by the health care provider of the employee’s release to return to work will result in denial of reinstatement for the employee until the certificate is obtained.

10.8 Use of Accruals

While on FMLA/CFRA leave, the City may require the employee to use vacation leave, paid sick leave, compensatory time, and/or administrative leave to the extent that the request is consistent with state and federal law. The City does not require the use of vacation leave when the employee is on FMLA/PDL.

SECTION 11 – PREGNANCY DISABILITY LEAVE (PDL)

Pregnancy, childbirth, or related medical conditions will be treated like any other disability, and an employee on leave will be eligible for temporary disability benefits in the same amount and degree as any other employee on leave. During a pregnancy disability leave, employees may be eligible for
filing a claim for benefits under the City’s short-term disability insurance plan. PDL leave is up to four (4) months, which is defined as the number of days the employee would normally work in the four (4) calendar month period.

Any employee planning to take pregnancy disability leave should advise their supervisor as early as possible and discuss the following conditions:

1. When leave is expected to begin and how long it will likely last. If the need for a leave or transfer is foreseeable, employee must provide notification at least thirty (30) days before the Pregnancy Disability Leave or transfer is to begin.

2. The scheduling of any planned medical treatment in order to minimize disruption to the operations of the City. Any such scheduling is subject to the approval of the employee’s health care provider.

3. If thirty (30) days' notice is not possible, notice must be given as soon as practical.

4. Requests for transfers of job duties. Such requests will be reasonably accommodated if the job and security rights of others are not breached. However, the transferred employee will receive the pay that accompanies the job, as is the case with any other temporary transfer due to temporary health reasons.

5. PDL begins when ordered by the employee's health care provider. The employee must provide her supervisor with a certification from a health care provider. The certification indicating disability should contain:
   
a. The date on which the employee became disabled due to pregnancy;

b. The probable duration of the period or periods of disability; and

c. A statement that, due to the disability, the employee is unable to perform one (1) or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons.

6. Leave returns will be allowed only when the employee's health care provider provides a release.

7. Duration of the leave will be determined by the advice of the employee’s health care provider, and employees disabled by pregnancy may take up to four (4) months. Eligible part-time employees are entitled to leave on a pro-rata basis. The four (4) months of leave includes any period of time for actual disability caused by the employee’s pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness and for prenatal care.

8. Health care benefits are continued for four (4) months during a twelve (12) -month period for PDL leave.

9. Employees on PDL do not accrue vacation, sick leave, or other seniority-based benefits during any portion of family leave that is unpaid.
10. FMLA, CFRA, and PDL do not need to be taken in one (1) continuous period of time and may be taken intermittently, as needed. Leave may be taken in any increments consistent with the City’s payroll system.

11. However, in no event shall the total leave taken in connection with the birth of a child exceed four (4) months of pregnancy disability/FMLA and twelve (12) weeks of combined CFRA leave.

12. The City may require that pregnancy disability and FMLA leave run concurrently, but CFRA leave can never run concurrently with PDL. This means that at the end of the employee’s period(s) of pregnancy disability and/or pregnancy disability/FMLA leave, whichever occurs first, a CFRA-eligible employee may take up to twelve (12) workweeks of CFRA leave due to the birth of her child or for other family leave purposes.

SECTION 12 – BABY-BONDING LEAVE

Under the CFRA, employees are entitled to an additional twelve (12) weeks of leave for baby bonding. No medical certification is required for this type of leave. Employees may take leave intermittently prior to the baby’s first birthday. Employees can use available sick or vacation leave or unpaid time off for this type of leave.

However, in no event shall the total leave taken in connection with the birth of a child exceed sixteen (16) weeks of pregnancy disability/FMLA and twelve (12) weeks of combined CFRA leave.

SECTION 13 – LACTATION ACCOMMODATION

As part of our family-friendly policies and benefits, the City supports breastfeeding mothers by accommodating the mother who wishes to express milk during her workday when separated from her newborn child. Employees are entitled to a reasonable amount of time each time the employee has a need to express breast milk. Additional accommodation requests may be made to the employee’s supervisor, department head, or the Human Resources Manager.

Any permanent full or part-time employee working thirty (30) or more hours per week who is breastfeeding will be provided up to two (2) break periods of twenty (20) minutes each plus an additional twenty (20) minutes during the lunch period to express milk for the newborn. The employee and immediate supervisor will agree on the times in a private location for these breaks.

Temporary Part-time employees working less than thirty (30) hours per week shall be similarly accommodated for extended lactation breaks; however, such requested breaks will be considered as non-compensable time.

Upon request the City will provide employees with a lactation location that will be private and free from intrusion while the employee expresses breast milk, will only be used for lactation purposes while the employee expresses breast milk, and will meet any other requirements for lactation accommodations found in Labor Code sections 1030 through 1034. Failure to accommodate should be reported to the Human Resources Manager, and the employee has a right to file a complaint for failure to accommodate with the California Labor Commissioner.
SECTION 14 – CIVIL AIR PATROL LEAVE

Employees who are also volunteer members of the Civil Air Patrol are annually entitled to up to ten (10) days of leave for Civil Air Patrol duty to respond to an emergency operation mission. The employee must have been a City employee for at least ninety (90) days before the beginning of leave. Generally, leave for a single emergency cannot exceed 3 days. Leave is unpaid. Employees may use available vacation leave. The employee must provide written certification of the need for leave from the proper Civil Air Patrol.

SECTION 15 – CRIME VICTIMS’ LEAVE

Employees are allowed time off from work to attend judicial proceedings, to seek medical attention, to obtain the services of a domestic violence shelter or rape center, to obtain psychological counseling, or to participate in safety planning related to a violent felony, serious felony, or felony theft or felony embezzlement, if the employee, an immediate family member, registered domestic partner, or the child of a registered domestic partner is a crime victim. The employee can use available sick leave or vacation leave for crime victim’s leave.

SECTION 16 – VICTIMS OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT LEAVE

Employees who are the victims of domestic violence or sexual assault can take time off to obtain relief, such as a temporary restraining order, a restraining order, or other court-ordered relief, to help ensure the safety of the victim or the victim’s child. Employees can use available vacation time for this type of leave.

Employees who are the victims of domestic violence or sexual assault may take up to twelve (12) weeks of leave in a twelve (12) -month period to seek medical attention, to obtain the services of a domestic violence shelter or rape center, to obtain psychological counseling, or to participate in safety planning. Employees can use available sick leave or vacation leave for this type of leave.

Unless not feasible, employees are expected to provide reasonable advanced notice of the need for leave and to supply documentation supporting the leave request.

SECTION 17 – KIN CARE LEAVE

Employees can use accrued and unused sick leave to care for a sick child, parent, spouse, registered domestic partner, child of a registered domestic partner, grandparent, grandchild, or sibling. Further, an employee may use Kin Care leave for the employee’s own health care needs. Covered uses of Kin Care leave also include time off for diagnosis, care or treatment of an existing health condition, preventive care, such as an annual physical or flu shot, and/or to attend to victims of domestic violence, sexual assault, or stalking. The amount of sick leave that can be used to care for a family member shall not be limited by the City to less than one-half (1/2) of the employee’s annual sick leave accrual. The designation of the sick leave taken under this section is at the sole discretion of the employee.

SECTION 18 – MILITARY FAMILY LEAVE

Military Family Leave counts toward FMLA leave. Eligible employees whose spouse, son, daughter, or parent is on covered active duty or call to covered active duty status may use the twelve (12) -week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. Notice to the City must be given as soon as possible and practical.
FMLA also includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a covered servicemember during a single twelve- (12) month period. A covered service member is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five- (5) year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. Caregiver leave is not subject to the rolling twelve- (12) month measurement rule. As to this type of leave, the twelve- (12) month period begins the first day of leave and ends twelve (12) months after that date.

SECTION 19 – MILITARY SERVICE LEAVE (USERRA)

The Uniformed Services Employment and Re-employment Rights Act of 1998 (USERRA) was established to provide benefits and job protections for individuals returning to civilian employment after “service in the uniformed services.” USERRA defines “uniformed services” to include the Army, Navy, Air Force, Marine Corps, Coast Guard, and the reserves for each of those branches; Army national Guard; Air National Guard; commissioned corps of the Public Health Service; and any other category of people designated by the president in time of war or national emergency.

“Service” is defined as duty on a voluntary or involuntary basis, including:

- Active duty
- Active duty for training
- Initial active duty for training
- Inactive duty training
- Full-time National Guard duty
- Absences for examinations to determine fitness for active duty
- Absences for the purpose of performing funeral honors duty

19.1 Notice and Documentation of Military Service Leave

All employees must provide advance written or verbal notice of the need for military service leave, unless they are prevented from doing so by military necessity or if providing notice would be impossible or unreasonable.

19.2 Duration of Military Service Leave

USERRA extends the length of leave time and reinstatement rights for military duty to five (5) years. This five- (5) year limit is the cumulative length of all employment absences due to military service. There are exceptions to the five- (5) year limit. The following leaves do not count toward the five- (5) year limit:

1. Time required beyond five (5) years to complete an initial period of obligated service;
2. Time during which an individual could not obtain orders releasing him/her from service through no fault of his/her own;
3. Time required to fulfill additional training requirements that the military determined to be necessary for professional development, completion of skill training, and retraining; and

4. Time during which an individual is ordered to remain on (or recalled to) active duty under certain federal laws especially in times of national emergency.

19.3 Re-employment after Military Service Leave

Employees returning from military service leave shall provide documentation establishing that:

1. The employee has requested re-employment in a timely fashion;

2. The employee hasn’t exceeded the cumulative five (5) years of service; and

3. The individual has not lost his/her entitlement to protection under USERRA due to dishonorable discharge or other factors.

An eligible employee who makes a timely application for re-employment shall be returned to work. Employees who are returning from military service are entitled to all the rights and benefits they would have had if they had remained continuously employed. The City will require employees who are returning from military service to pay the normal employee contribution for benefits as other employees.

In compliance with the provisions of USERRA, the City shall promptly re-employ individuals returning from military service by applying the “escalator principle” as follows:

1. Ninety (90) days or less of service: The employee is entitled to be re-employed in the position in which he/she would have been employed had there been no interruption for military service if the individual is qualified to perform that job. If the person is not qualified to perform that job, the City shall make reasonable efforts to qualify him/her. If those reasonable efforts fail, the City shall reinstate the person to the position he/she held at the time of beginning military leave. This means that if the individual would have been promoted had he/she not been on military leave, the individual is entitled to the position to which he/she would have been promoted unless unqualified to perform in that position even after reasonable efforts at training.

2. More than ninety (90) days of service: The individual is entitled to be re-employed in the position in which he/she would have been employed had there been no interruption for military service, or in a position of like seniority, status, and pay if the individual is qualified to perform one of those jobs. If the person is not qualified to perform one of those jobs, the City shall make reasonable efforts to qualify him/her. If those reasonable efforts fail, the City shall re-employ the person in the position he/she held at the time he/she began military leave or a position of like seniority, status and pay.

3. Person with military-related disability: The City shall reasonably accommodate an individual with a disability incurred in or aggravated during military service and preferably place him/her in the position he/she would have held had there been no
interruption for military service. If performance of that job is impossible even with reasonable accommodation, the City shall provide a job of equivalent seniority, pay, and status for which the individual is qualified or for which he/she could become qualified with reasonable effort. If neither of these options is possible due to the disability, the City shall provide another position of lesser status and pay but with full seniority.

4. **Two (2) or more individuals entitled to same position:** If two (2) or more individuals are entitled to the same position and report for work, the individual who left the position first has the right to that position.

Unless there are extenuating circumstances, “prompt re-employment” means re-employment within two (2) weeks of applying. Prompt re-employment upon return from weekend National Guard duty is the next regularly scheduled workday. Prompt re-employment after several years of active duty may permit more time, where reassignment or notice must be given to another employee occupying the job. The City shall not refuse to re-employ an individual to avoid terminating his/her replacement.

The City shall determine, with reasonable certainty, whether the employee would have attained merit or performance increases by considering the returning employee’s work and pay raise history and the work and pay raise history of employees in the same or similar positions. The City shall consider factors such as additional training time, a promotion that the employee missed during service, and missed opportunities for advancement, responsibility, general working conditions, or job location.

19.4 **Notice of Intent to Return from Military Service Leave**

An employee must provide the City notice of his/her intent to return to work after serving in the military. The time frame within which the notice is required depends upon the length of military service, as follows:

1. **Less than thirty-one (31) days of service or fitness for duty exam:** Must report no later than the beginning of the first full regularly scheduled work period on the first full calendar day following completion of service, plus time for safe transportation back to the person’s residence, plus eight (8) hours. If reporting at that time is impossible or unreasonable through no fault of the individual, then he/she must report as soon as possible.

2. **Thirty-one (31) days to one-hundred-eighty (180) days of service:** Must submit an application for re-employment no later than fourteen (14) days after the completion of service. If submitting an application within that timeframe is impossible or unreasonable through no fault of the individual, then he/she must submit the application on the next full calendar day when it becomes possible.

3. **More than one-hundred-eighty (180) days of service:** Must submit an application for re-employment no later than ninety (90) days after the service is completed.

A person who fails to report or re-apply as USERRA requires does not automatically forfeit his/her entitlement to USERRA protections. The City shall consider such requests on a case-by-case basis, evaluating its general practices and policies pertaining to explanations and discipline related to other absences from scheduled work.
19.5 Leave Extension for Illness or Injury

Leave can be extended for up to two (2) years for an individual hospitalized for or recovering from an illness or injury incurred or aggravated during military service. If reporting or re-applying to work at the end of the two (2) year period is impossible or unreasonable due to circumstances beyond the individual’s control, the City shall extend the two (2) year period.

19.6 Prohibitions on Discharge from Employment after Military Service Leave

The City shall not terminate an employee who has returned from military service leave within the following timelines, except for cause:

1. Within one (1) year if the period of service lasted longer than 180 days;

2. Within one-hundred-eighty (180) days if the period of service lasted more than thirty (30) days but fewer than one-hundred eighty-one (181) days. The City shall prove cause for termination, provide proof that the employee had notice that the conduct would be cause for termination, and show that the termination was reasonable. A termination may be the result of some other legitimate, nondiscriminatory reason that would have affected any other employee in the same position regardless of protected status. For example, a returning employee may be dismissed as a result of a reduction in force.

19.7 Compensation and Benefits While on Military Service Leave

An employee who has been in the uniformed services of the United States for active reserve duty, shall be allowed a paid leave of absence for a period not to exceed thirty (30) days in any calendar year. An employee required to perform active duty with such organizations for a period in excess of thirty (30) days shall be granted a leave of absence without pay. An employee may use his/her accrued, unused vacation benefits for all or part of an unpaid leave of absence during military service but shall not be required to use such leave. Any portion of a leave that occurs after all available accrued vacation benefits have been used will be without pay.

Employees ordered to military duty shall be paid based on their regular work schedule. An employee shall not be paid any additional compensation when his/her 9/80, 4/10, or other modified schedule day off occurs when the employee is on a military leave.

The City shall not compensate employees who are on military service leave for holidays while on unpaid military leave, in the same manner as other unpaid leaves of absence of similar duration. Employees on unpaid military leave shall not accrue vacation, sick, or other paid leaves.

The City shall count the period of military duty as covered service for retirement plan eligibility, vesting and benefit accrual purposes. Accrued benefits resulting from employee contributions are assured to the extent that the employee actually makes the contributions to the plan.

If the uniformed service lasts thirty (30) or fewer days, health benefits shall continue, in the same manner as for other employees. The employee shall pay the normal employee’s share of any premiums. For time periods lasting longer than thirty (30) days, the City shall provide COBRA continuation benefits for employees who are absent from work to serve in the uniformed services. Employees or qualified dependents who are eligible for COBRA may receive such coverage.
The City shall reinstate employees in group health plan coverage upon return to work without a waiting period or other exclusion. The City may exclude illnesses or injuries incurred or aggravated during military service because they are covered by the military health plan. Upon re-employment, eligible dependents shall also be reinstated in the City’s health plan regardless of whether the employee selected continuation coverage and without a waiting period or exclusion.

The Health Insurance Portability and Accountability Act (HIPAA) may provide rights to enroll in a spouse’s group health plan regardless of the Plan’s otherwise established enrollment periods. The employee must request special enrollment within thirty (30) days of losing eligibility for coverage. Coverage is effective no later than the first day of the first month following the request for enrollment.

19.8 Family and Medical Leave Eligibility and Military Service

Upon the employee’s return to work, the City shall count the time spent on active duty as time worked for determining eligibility for leave under federal and state family medical leave laws. The City shall combine the months and hours that the employee would have worked if not engaged in military service with those actually worked to determine if the employee worked the required one-thousand two-hundred-fifty (1,250) hours in the twelve (12) months preceding the start of a leave.

19.9 Military Spouse Leave

Military spouse leave lasts for up to ten (10) days. The qualified service member must be on leave from deployment during a period of military conflict.

Leave is unpaid, but the employee can use accrued but unused vacation and sick leave for this purpose.

To be eligible, the employee must be a spouse of a qualified service member, work an average of twenty (20) hours per week, give the City notice within two (2) business days of receiving official notice that the service member will be on leave from deployment, and submit written documentation supporting the leave request.

SECTION 20 – ORGAN AND BONE MARROW DONATION LEAVE

Organ donors are entitled to up to thirty (30) business days of paid leave and up to an additional thirty (30) business days of unpaid leave in a one (1) -year period. Bone marrow donors are entitled to five (5) business days of paid leave in a one (1) -year period. Group health insurance is maintained during the leave period.

For these types of leave, a year is measured as twelve (12) consecutive months from the date leave begins. These leaves do not run concurrently with CFRA leave. Eligible employees are those employees who have been employed by the City for at least a ninety (90) - day period before the leave begins.

Employees who take bone marrow donation leave will be required to take up to five (5) days of accrued sick leave or vacation time. Employees who take organ donor leave will be required to take up to two (2) weeks of accrued sick leave or vacation time. Any time away from work greater than these limits but less than the paid leave limits described above shall be provided by the City without a related reduction to the employee’s accrued leave balances.
SECTION 21 – SCHOOL ACTIVITIES/SCHOOL APPEARANCE LEAVE

Employees are entitled to up to forty (40) hours per calendar year to attend or to participate in school activities of a child, foster child, or grandchild. The child must be enrolled in kindergarten through 12th grade or must be enrolled in a licensed day-care facility. The amount of leave cannot exceed eight (8) hours in a calendar month.

The City must receive reasonable advanced notice of the planned absence and be provided with documentation of attendance or participation. Where both parents request leave for the same child’s activity, the employee who asks first will be given priority. To the extent permitted by law, employees must use available vacation time. Otherwise, the leave is unpaid.

Employees are entitled to take unpaid leave time to appear at the employee’s child’s or ward’s school in connection with a suspension from a class or school. Before the leave is taken, the employee must present a written statement from the school stating that the employee’s attendance is required.

SECTION 22 – VOLUNTEER FIREFIGHTERS, PEACE OFFICERS, AND EMERGENCY PERSONNEL LEAVE

No employee shall be disciplined for taking time off to perform emergency duty as a volunteer firefighter, peace officer, or emergency rescue personnel. If an employee is an official volunteer firefighter, peace officer, or emergency rescue personnel, the employee shall alert their supervisor about the potential to take time off for emergency duty. When taking time off for emergency duty, the employee is required to alert their supervisor before doing so when possible. Employees may use their accrued vacation leave or take unpaid leave time.

SECTION 23 – VOTING LEAVE

When employees are otherwise unable to vote due to a conflict in their work schedule, such employees shall be entitled to up to two (2) hours of working time, without loss of pay, to vote in statewide elections. Unless otherwise mutually agreed upon, this time must be taken at the beginning or the end of the regular work shift, whichever allows the most free time to vote and is the least time off from working. The employee must advise the City two (2) working days in advance to arrange the voting time.

SECTION 24 – LEAVE OF ABSENCE WITHOUT PAY

Permanent full or part-time employees, or probationary employees, encountering an emergency or unplanned circumstance which requires their attention away from the workplace may request a leave of absence. Employees will be eligible for leave of absence without pay only if they have exhausted all eligible and available vacation, sick, and other accrued leave balances.

If these circumstances exist, employees may submit a written request at least forty-eight (48) hours in advance stating the reason for the leave of absence to their department head. The employee must demonstrate that an emergency or unplanned circumstance has arisen that requires their attention away from the workplace. The leave request must state the date the employee will return to work.

The department head may grant via written approval a leave of absence without pay for a period not to exceed one (1) week of leave of absence without pay. The City Manager may grant leaves of
absence up to one (1) year without pay if the circumstances of the particular case warrant such action.

Upon expiration of an approved leave, or within a reasonable period of time after notice to return to duty, the employee shall be reinstated in the position held at the time leave was granted. Failure on the part of the employee to report promptly at the expiration of the leave shall subject the employee to discharge.

Failure of the employee to report for work more than five (5) consecutive days after his or her leave of absence has ended shall constitute an automatic resignation by the employee as of the date on which the employee was to return to work.

During all such leaves of absence, the employee shall not be considered as being on active service and shall not accrue any service time, calculated benefits, or other benefits including holidays, vacation, and sick time. A holiday falling within the approved leave without pay period will not be paid unless the employee returns to work the day before or the day after the holiday.

SECTION 25 – UNAUTHORIZED LEAVE

Any leave of absence from work, either full or partial work days, taken without prior or subsequent approval will not be compensated. Such leave may subject the employee to disciplinary action or immediate termination.

Failure of an employee to report for work more than five (5) consecutive days shall constitute an automatic resignation by the employee as of the date on which the employee last worked.

SECTION 26 – WITNESS APPEARANCE LEAVE

A permanent full or part-time employee who is called to answer a subpoena as a witness for court appearances during the employee’s work hours shall be compensated at his or her regular rate of pay for all hours of absence from work due to answering the subpoena on City business, provided the employee shows proof of such subpoena and deposits witness fees received for such hours, exclusive of mileage, with the City Treasurer. Fees for answering a subpoena as a witness during hours other than regularly scheduled working hours may be retained by the employee. A paid leave of absence shall not be granted for time spent in court where the employee is a plaintiff, defendant or real party of interest in any litigation which does not involve the City or the official actions of the employee.

SECTION 27 – JURY DUTY LEAVE

Any permanent full or part-time employee who is summoned to and serving on jury duty shall be considered to be on duty for the length of the trial and there shall be no loss of compensation.

Temporary/Seasonal part-time employees shall be entitled to retain any jury compensation received since such employee will not be paid for time not actually worked.

Employees summoned to jury duty shall be required to report for work if such employee’s normal or adjusted starting time is more than one (1) hour prior to the required reporting time for jury duty. Employees shall return to work immediately upon being released from jury duty, unless the employee would arrive at the work site with less than one (1) hour remaining on said employee’s regular shift or adjusted work schedule. Exceptions shall be made with the specific approval of the
department head or designee. Grounds for exception to the work reporting requirement (i.e. one (1) hour or more at the beginning or ending of shift) shall include, among others, extended travel time or the need to change from work clothing.

All employees shall obtain verification of the hours of jury duty performed using verification forms as supplied by the Court.

Employees shall remit to the City any compensation received for those days while on jury duty and shall receive regular pay for the time served. Employees shall be reimbursed by the City for the mileage portion of the jury duty compensation unless the employee is regularly assigned a City car or receives a car allowance.

Jury duty performed on an employee’s regular day off shall not be compensated by the City and the employee shall be entitled to the jury compensation for duty performed on such employee’s regular day off.

Employees assigned to jury duty on a holiday will be considered to have taken such a holiday and will receive regular holiday pay, but the employee shall be entitled to the jury compensation for duty performed on such holiday.

SECTION 28 – PAID ADMINISTRATIVE LEAVE

All at-will Management employees are entitled to paid administrative leave of one-hundred (100) hours per fiscal year. Unused administrative leave cannot be carried over to the next fiscal year, nor can it be bought back by the City. The City Manager shall receive paid administrative leave consistent with that provided to Management employees or in accordance with his/her Employment Agreement.

All permanent Mid-Management employees are entitled to paid administrative leave of up to eighty (80) hours per fiscal year. Permanent part-time mid-management employees shall accrue administrative leave on a pro-rata basis, based on the full-time equivalent level of their position. Unused administrative leave cannot be carried over to the next fiscal year, nor can it be bought back by the City.

Administrative leave is accrued annually on July 1st of each fiscal year. Newly hired or promoted employees shall accrue prorated administrative leave as of the first pay period of such appointment or promotion based on the portion of the fiscal year remaining as of that date. Employees shall be eligible to use accrued administrative leave without meeting any waiting period, and upon approval of the Department Head.

SECTION 29 – BEREAVEMENT LEAVE

Bereavement Leave is available to all permanent full-time employees to attend to a member of their immediate family who has become critically ill to the point where death is imminent, or to arrange for or attend a funeral of a member of their immediate family. In such circumstances, employees shall receive necessary time off with pay, not to exceed three (3) days in any one (1) instance, to attend to a member of their immediate family who has become critically ill to the point where death is imminent, or to arrange for or attend a funeral of a member of their immediate family. However, upon request and at the City Manager’s discretion or if the distance to be travelled to attend to the relative exceeds 500 miles, an employee may receive necessary time off with pay, not to exceed
five (5) days in any one (1) instance, should three (3) days be deemed insufficient in that particular circumstance in the judgment of the City Manager.

For purposes of this section, immediate family shall mean father, father-in-law, mother, mother-in-law, step parent, brother, sister, wife, husband, registered domestic partner, child, grandparent, grandchild, person for which the employee serves as legal guardian, or person that has dependency upon the employee. The bereavement leave shall not be charged against the employee’s sick leave accruals.

Bereavement Leave is also provided for permanent part-time competitive service employees under the same provisions; however, such leave time shall be pro-rated based on the full-time equivalent level of the employee’s position.

Temporary/Seasonal part-time employees may be granted time off for bereavement; however, such time off shall be considered leave without pay.

SECTION 30 – CATASTROPHIC LEAVE DONATION

All permanent full and part-time employees may receive catastrophic leave donations from other employees (on a voluntary basis) if the employee has a catastrophic medical condition that will require the employee to be on unpaid leave for at least one (1) month.

Provided the employee has exhausted all accrued sick leave, vacation, administrative leave, and compensatory time, a written request for donations shall be submitted to the City Manager. The request must be accompanied by a medical statement from the employee’s attending physician who verifies the employee’s need for an extended medical leave. This statement should be provided to the City’s Personnel Officer. A medical certification provided under FMLA/CFRA leave may be used. If approved, the City Manager will post a notice of the employee’s request for donations.

Employees who receive donations under this procedure and who have exhausted all donated sick leave may request an additional donation period subject to the same provisions.

Employees may donate sick leave, vacation, or compensatory time in increments of whole hours with a minimum of eight (8) hours and maximum of (16) hours per donating employee per approved request. All donations are made on a voluntary basis and are irrevocable.

From the date of posting the notice, there will be a two (2) week period for employees to submit their donations. Employees wishing to donate time to the eligible employee must submit the following information to Administration:

1. The donating employee’s name, class title, department, the number of hours of sick leave, vacation, or compensatory time to be donated.

2. The name, class title, and department of the eligible employee to whom the time is being donated.

3. A statement from the donating employee indicating he/she understands that the donation of time is irrevocable.

4. The donating employee’s signature authorizing the transfer of the donated time to the eligible employee.
At the close of the donation period, the City Manager shall verify the hourly rate of the donating employee(s) and confirm that each donating employee has accrued time balances sufficient to cover the designated donation.

Each donation will be processed in the order received, in which case the first donor's time would be converted and applied to the recipient for the first payroll period in which donations are being utilized. The second donor's time may then be used and applied to the recipient's time for the same or next payroll period, as required. Subsequent donations will be similarly processed. If any donated sick leave hours remain at the end of the recipient's catastrophic leave, they shall be returned to the donor.

The donated time shall be converted to dollars at the hourly rate of the donor. The dollars shall then be converted to sick leave at the hourly rate of the recipient of the donation. The appropriate hours of sick leave will then be added to the recipient's sick leave account for use during the payroll period(s) in which the employee is in need of catastrophic leave.

Employees who receive donations under this procedure and who exhaust all donated sick leave may request an additional donation period subject to the afore stated provisions.

**SECTION 31 – WORKERS’ COMPENSATION LEAVE**

Whenever an employee is compelled by direction of a physician consistent with California law to be absent from duty on account of a work-related injury or disability, such employee shall be placed on Workers’ Compensation Leave. The employee shall receive full compensation for the first three (3) calendar days following the day of injury. Thereafter compensation shall be paid in accordance with and under the provisions of the Workers' Compensation Insurance and Safety Act of the State of California. The City shall, in addition thereto, compensate for any such employee who is still absent from duty after the third day, an amount equal to the difference between the amount said employee receives from the Workers' Compensation Insurance Fund and the amount of his or her regular compensation. The employee is justly entitled to receive the maximum allowance as provided herein. This additional compensation shall be for a maximum period of one hundred eighty (180) calendar days. The one hundred eighty (180) calendar day period need not be consecutive if the employee's absence is directly traceable to a single accident. An employee who is receiving Workers’ Compensation shall continue to accrue sick leave and vacation.

An employee who is on a Workers’ Compensation leave of absence for more than thirty (30) days and who was covered by long-term disability insurance when the work-related injury or illness occurred may be eligible for disability benefits. Compensation to which an employee is entitled from Workers’ Compensation and Long-term disability shall not exceed an employee’s regular pay. Employees will be paid for their industrial injury leave based on the 9/80 work schedule.

Temporary/seasonal part-time employees are compensated after a three (3) day waiting period according to the employee’s hourly wage and average number of hours worked per week.
CHAPTER 8 – EMPLOYEE CONDUCT

SECTION 1 – EMPLOYEE RESPONSIBILITIES AND PROFESSIONAL CONDUCT

The City is a service organization. Providing excellent customer service is the primary mission of every employee. Each department is responsible for establishing customer service standards for their various services. In addition, the safety and welfare of the City’s citizens shall, at all times be held as a central mission of the City. All employees are expected to represent the City to the public in a professional manner that is courteous, efficient, and helpful. Employees are responsible for treating all individuals at work or on City premises with respect and to provide prompt and courteous service to all customers and co-workers.

Since the proper working relationship between employees and the City depends on each employee’s on-going job performance, professional conduct, and behavior, the City has established certain minimum standards of personal conduct. Among the City’s expectations are:

1. Basic tact and courtesy towards the public and fellow employees;
2. Adherence to City policies, procedures, safety rules, and safe work practices;
3. Attendance is an essential job function for all positions in the City;
4. Providing good customer service is an essential job function for all positions in the City;
5. Compliance with directions from supervisors;
6. Preserving and protecting the City’s equipment, grounds, facilities, and resources; and
7. Providing orderly and cost-efficient services to our citizens.

SECTION 2 – PERSONAL APPEARANCE, GROOMING AND DRESS CODE

The City is a professional workplace and desires to maintain a professional image with the community, visitors, and the general public, as well as fellow co-workers. Employees are expected to use good judgment in determining their dress and appearance. Clothing and appearance should always be neat, clean, appropriate for the job site, and not constitute a safety hazard. Violation of this policy and failure to correct will result in disciplinary action.

2.1 Uniforms

Certain positions within City service require that a uniform be worn. The uniform identifies the individual as a City employee. Uniforms should always be neat and clean with uniform shirts tucked into uniform pants at all times. Non-uniform pants or shorts may not be worn, except that jeans or shorts may be worn when deemed necessary and/or appropriate by the supervisor. Uniforms furnished by the City are to be worn during regular working hours and may be worn to and from work, but they are not a substitute for personal attire. The City provides uniforms, but it is the employee’s responsibility, in most cases, to maintain these uniforms in a neat and clean condition.
2.2 Expectations

Among the City’s expectations are:

1. City employees shall maintain their personal hygiene and appearance to project a professional image appropriate for their assignment. Therefore, it is necessary that all employees maintain a clean, presentable appearance.

2. Personal hygiene includes a regular bath/shower, use of deodorant, and appropriate oral hygiene. Strong odors caused by perfumes, scented hair sprays, and aftershave lotions can be offensive and are to be used in moderation out of concern for the comfort of others.

3. Employees are expected to maintain appropriate and professional hairstyles. Beards, sideburns, and mustaches must be clean and neatly groomed. Hair must be properly restrained for its length and job assignment. Hair coloring should be within the range of natural hair colors.

4. While on duty or representing the City in any official capacity, every reasonable effort should be made to conceal tattoos or other body art.

5. All jewelry worn by employees must be appropriate, so it does not detract from a professional appearance. All facial piercing jewelry such as nose piercing, tongue piercing, eyebrow piercing, lip piercing, or any other facial piercing jewelry is prohibited. No other body piercing shall be visible while any employee is on duty or representing the City in any official capacity.

6. On certain Fridays and other days designated by the City Manager, authorization to wear jeans may be granted to office employees. **Jeans must be worn in good taste and be in good condition with no rips, holes, or tears. Faded and “worn look” jeans are not appropriate.** Employees who are required to attend professional meetings and/or events on these days shall use appropriate judgment in wearing appropriate dress. This policy and privilege may be revoked at any time by the City Manager.

7. Employees are expected to demonstrate good judgment and professional taste at all times and must refrain from wearing anything that other employees or the public might find offensive or uncomfortable. Employees found to be in violation of the policy shall be asked to go home and change their attire.

2.3 Guidelines on Attire

Examples of appropriate and inappropriate attire are provided below:

<table>
<thead>
<tr>
<th>Dress Guidelines</th>
<th>Appropriate</th>
<th>Inappropriate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Athletic shoes (sneakers/tennis shoes) ***</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Casual sandals (thongs or flip-flops)</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Dress sandals with back strap</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Dress shoes</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Business suits</td>
<td>X</td>
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</tbody>
</table>
Dress Guidelines

<table>
<thead>
<tr>
<th>Dress Attire</th>
<th>Appropriate</th>
<th>Inappropriate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dress slacks</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Collared shirts</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Clothing with sports/celebrity logos/messages, etc.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Dresses (with or without nylons or leggings) of moderate length</td>
<td>X</td>
<td></td>
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<tr>
<td>Dresses/tops with spaghetti straps; cocktail/evening</td>
<td></td>
<td>X</td>
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<tr>
<td>Gym or sweat pants or workout wear</td>
<td></td>
<td>X</td>
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<tr>
<td>Halter tops, tank tops, razor-back tops, or cold-shoulder tops</td>
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<td>X</td>
</tr>
<tr>
<td>Khaki or “Dockers” type slacks</td>
<td>X</td>
<td></td>
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<tr>
<td>Leggings (except with dresses)</td>
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<td>X</td>
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<tr>
<td>Low back dresses, blouses, or shirts</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Short-sleeved or sleeveless dresses, shirts or tops</td>
<td></td>
<td>X</td>
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<tr>
<td>Other coordinated outfits</td>
<td>X</td>
<td></td>
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<tr>
<td>Pantsuits</td>
<td>X</td>
<td></td>
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<tr>
<td>Polo-type shirts</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Sheer, see-through or revealing clothing</td>
<td></td>
<td>X</td>
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<tr>
<td>Dress Shirts</td>
<td>X</td>
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</tr>
<tr>
<td>Shorts**</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Skirts of moderate length</td>
<td>X</td>
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<tr>
<td>Sport coats</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Sweat shirts or jogging outfits</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>T-shirts</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Jeans*</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

* While jeans (blue or colored) are not considered appropriate in any business setting, it is acknowledged that some field and/or recreation employees (by the nature of their assignments) may wear jeans along with a shirt, if the shirt identifies them as an employee of a particular City department or division. Jeans must be worn in good taste and be in good condition with no rips, holes, or tears. Faded and “worn look” jeans are not appropriate.

** While shorts are not considered appropriate in any business setting, it is acknowledged that some field and/or recreation employees (by the nature of their assignments) may wear shorts along with a shirt, if the shirt identifies them as an employee of a particular City department or division.

*** While athletic shoes are not considered appropriate in any business setting, it is acknowledged that some field and/or recreation employees (by the nature of their assignments) may wear athletic shoes.

Recreation employees in the Parks and Recreation Department should refer to the Recreation Part-Time Employee Manual for additional information regarding acceptable work attire.

2.4 Religious Dress and Grooming

In compliance with the California Fair Employment and Housing Act, the City will reasonably accommodate the religious beliefs or observances of employees regarding their religious dress
practices and religious grooming practices in the workplace. The City is not obligated to provide a reasonable accommodation if it causes an undue hardship or if such accommodation would violate other laws that prohibit discrimination. Religious dress practices may include wearing or carrying of religious clothing, as well as head or face coverings, jewelry, artifacts and any other items that are part of an individual’s observance of his or her religious creed.

2.5 Gender Identity and Expression

Gender identity and expression attire must follow the guidelines outlined in this policy. Gender expression is defined as meaning a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

2.6 Exceptions

Periodically, the City may designate special occasions or casual days when the dress code may be relaxed for a specific reason. These special days will be announced in advance. Special projects/assignments may also, at the discretion of the department head, require more flexibility in dress requirements.

SECTION 3 – ID CARDS

The City will issue official identification cards to all Full-Time and Permanent Part-Time employees, and to temporary/seasonal employees on an as-needed basis. Such cards are intended to identify the individual as an official representative of the City in the performance of their City duties. The cards will also be used as a security measure to identify individuals as employees of the City. Employees are expected to carry the card while on duty.

Any unauthorized or inappropriate use of the employee identification badge for a job-related or non-job-related purpose is prohibited and may result in disciplinary action, up to and including termination. Should a badge be lost, damaged, or destroyed, it should be immediately reported to the City Manager. The card remains the property of the City and must be returned to the City Manager upon termination or separation from employment or by special request by the employee’s Department Head.

SECTION 4 – POLITICAL ACTIVITIES OF PUBLIC EMPLOYEES

The political activities of City employees are governed by the provisions of Government Code Section 3201, et. Seq. In addition, and pursuant to Section 3201, City employees are not permitted to participate in any political activity while in the uniform of their employment unless on official City business. Further, City employees are not permitted to conduct or engage in any political activity or purpose during those hours that they should be discharging the duties of their position.

SECTION 5 – USE OF CELL PHONES WHILE ON-DUTY

Use of personal cell phones and all other personal communication devices, excepting during approved rest and meal breaks, shall be kept to a minimum while on duty. Certain City employees may be issued a City cellular telephone with the approval of the City Manager. City-issued cell phones shall be used for City business only. Alternatively, with the approval of the City Manager, Management and Mid-Management employees may receive a monetary stipend for their use of a personal cellular telephone for City Business in lieu of the issuance of a City cellular telephone, as further described in the City’s Cell Phone Stipend Administrative Policy (Appendix F to this Manual).
SECTION 6 – USE OF CITY PHONES

All employees whose job duties require the use of a City phone shall adhere to the following guidelines while representing the City and Department to which assigned.

Among the City’s expectations are that employees shall:

1. Be concise, speak in a pleasant manner, and be gracious under any and all circumstances. Proper engagement with others can improve efficiency, save time, reduce costs and create an atmosphere of goodwill.

2. Answer the phone promptly.

3. Answer the phone by saying “City of Yorba Linda” and identifying department or facility.

4. Maintain records of calls/inquiries requiring action or follow-up via computer or other departmental method.

5. Be courteous to the caller under all circumstances.

6. Inform callers when they must be placed on hold and check back periodically to provide updates.

7. Obtain all necessary data related to emergencies or complaints including the caller’s name, address, and phone number.

8. All use of City phones and voice mail must comply with the City’s practices and policies regarding fair employment and workplace/sexual harassment, and any other applicable policies.

The City utilizes a voicemail system for most office employees. When an employee is expected to be away from the phone for an extended period of time, calls may be forwarded to voice mail, or to another employee who may be able to assist during the employee’s absence. Employees whose regular duties are answering phones and who are on duty and available to take calls shall not forward calls to voice mail.

SECTION 7 – USE OF CITY EQUIPMENT

All office equipment, computers, furnishings, phones, cell phones, heavy equipment/machinery, tools, maintenance equipment, supplies, and items necessary for employees to perform their job duties are the sole property of the City. The employee should not have any expectation of privacy in regard to email, offices, desk, computer files, and file cabinets which are all property of the City. Use of City property, equipment, phones, cell phones, faxes, email and the internet should be utilized to conduct City business and personal use should be at a minimum. An employee’s misuse of City services, phones, cell phones, vehicles, equipment, or supplies may result in disciplinary action, up to and including termination. The IT Responsible Use Administrative Policy (Appendix B to this Manual), includes important additional information regarding the use of the City’s computer systems and network.
SECTION 8 – USE OF ELECTRONIC MAIL (EMAIL)

Electronic mail, including any attachments thereto, (email) is viewed as an effective means of communication. Communication on the City's information systems should be focused on work-related information. Employees are not to pursue non-job-related issues, including but not limited to, commercial ventures, religious or political causes, or personal (non-business related) communications through email or internet access, on City computers or equipment. Use of City email for union purposes is permissible provided that advance notice is given to Human Resources. This provision shall not apply to minimal usage of email for communications between union members and their union outside representation. The IT Responsible Use Administrative Policy (Appendix B to this Manual), includes important additional information regarding the use of the City’s computer systems and network, including email.

SECTION 9 – ELECTRONIC MEDIA

The IT Responsible Use Administrative Policy (Appendix B to this Manual), includes important information regarding the use of the City’s computer systems and network, including electronic media such as flash drives and writable CDs.

SECTION 10 – ACCEPTANCE OF MONEY, GIFTS, OR TICKETS

An employee shall not receive or accept money, gifts, tickets or any other consideration from anyone other than the City for the performance of an act which the employee would be required or expected to render in the regular course or hours of his/her City employment or as part of his/her duties as a City employee.

An employee shall not receive or accept, directly or indirectly, any money, gift, or ticket including any service, gratuity, favor, hospitality, loan, or any other things of value from anyone who is doing or is seeking to do business of any kind with the City, or whose activities are regulated or controlled in any way by the City under circumstances in which the gift was intended to influence him/her in his/her official duties or was intended as a reward for any official action on his/her part.

Under no circumstances shall gifts of more than nominal value, in accordance with the Fair Political Practices Commission guidelines, be accepted from persons or firms who are doing or are seeking to do business of any kind with the City, or whose activities are regulated or controlled in any way by the City.

Edible gifts can be accepted and are to be shared with all employees. Gifts received that all employees and/or public can enjoy, i.e., a wreath, may be accepted. A gift that can be raffled during an employee function or during office hours can also be accepted. Gifts that are given to a specific individual should be graciously returned. Employees should check with the City Manager to seek clarification at any time that a determination under these rules is required.

An employee shall not knowingly or deliberately use the prestige or influence of a City office or employment, any City time, facilities, equipment, or supplies, or any confidential information acquired by virtue of City employment, for the employee’s private gain or advantage, or the private gain or advantage of another. Employees who are designated under the Political Reform Act to provide a disclosure shall submit the required Form 700 upon entering office, annually, and upon exiting office, under the direction and coordination of the City Clerk.
SECTION 11 – NO SMOKING POLICY

Pursuant to State law, employees shall not smoke in any City facility or vehicle, or while on duty in City uniforms, except during designated rest and meal breaks, and not within twenty (20) feet of a public building. A violation of this No Smoking Policy shall result in disciplinary action.

SECTION 12 – ARREST AND CONVICTIONS

Employees convicted of a misdemeanor or felony during their employment with the City must report any such conviction to the City Manager within three (3) days of the conviction. Any arrests that occur while an employee is on City business or in a City vehicle must also be reported to the City Manager as soon as possible from the date/time of the arrest. In addition, the City will receive subsequent arrest records/notifications on all employees from the Department of Justice.
CHAPTER 9 – CORRECTIVE ACTION, DISCIPLINARY PROCEDURES AND GRIEVANCE PROCEDURES

SECTION 1 – GENERAL POLICY

1.1 Definitions

1. Discipline - Action taken by the appointing authority or his/her designee to reinforce adherence to policies and procedures and correct conduct, behavior, and/or performance that fall below acceptable standards and/or that violate rules, regulations, laws, and policies. Such action may penalize employees up to and including termination.

2. Progressive Discipline - The corrective process of applying penalties, short of termination, or long-term demotion or suspension, where conduct is of a less serious nature and the employee has not repeatedly engaged in such conduct. The nature of such discipline should be appropriate to the conduct and need not begin with the least serious disciplinary action. Acceptance of the principle of progressive discipline does not limit the City's authority to take appropriate action, including termination, demotion, or suspension, for serious offenses that cannot and will not be condoned.

3. Hearing Officer – An internal level of management, or City Manager-appointed professional, who can effectively and impartially review and recommend that the proposed disciplinary action be taken or not taken.

1.2 Applicability

All permanent full- and part-time employees in the competitive service of the City may not be suspended, demoted, dismissed, or reduced in pay for disciplinary reasons without just cause. Section 2 – Grounds for Disciplinary Action below sets the standards for employees and City expectations. All other employees serve at the will of their appointing authority. For purposes of this Chapter, City Department Heads and other Management employees, as well as temporary/seasonal employees, are considered “at-will” employees and may be subject to termination without cause.

1.3 General Policy

1. Disciplinary rules and procedures are established to assure that the rights of supervisors, as well as employees, are protected and to provide a defined process for the administration and review of disciplinary matters.

2. Every new and existing employee shall be expected to be familiar with and understand the various rules and regulations governing conduct as a City employee.

3. The City shall apply uniform enforcement, appropriate penalty considerations, and progressive disciplinary actions, consistent with effective employee relations.

4. Corrective discipline requires complete knowledge of the rule broken, thorough investigation of all facts, review of the employee’s past record, review of the type of disciplinary action taken in similar situations, and enactment of a non-discriminatory
penalty appropriate for the violation.

5. Corrective discipline provides the employee with knowledge of the effect of the violation on the City and how improvement can be made, and is not a means of degrading or embarrassing an employee.

6. FLSA Exempt employees shall not be subject to disciplinary pay docking for less than one (1) day increments, except for those major violations that are allowed under the FLSA. The City will comply with all FLSA rules pertaining to FLSA Exempt employees.

7. All supervisors shall have a thorough knowledge and understanding of the rules, procedures, and policies pertaining to employee relations contained in this Manual, Administrative Policies of the City, and Resolutions, Ordinances, and Memoranda of Understanding approved by the City Council.

8. All supervisors shall be sure that their subordinate employees are aware of and understand the rules, procedures, and policies contained in this Manual, Administrative Policies of the City, and Resolutions, Ordinances, and Memoranda of Understanding approved by the City Council.

9. Progressive discipline, except in serious offenses, shall be conducted in accordance with Section 3 – Types of Disciplinary Actions.

10. Any questions from supervisors or employees regarding the rules or procedures for disciplinary action should be reviewed with the City Manager.

SECTION 2 – GROUNDS FOR DISCIPLINARY ACTION

The following are examples of performance or behavior that may result in disciplinary action. This listing is representative and does not exhaust all possible situations where disciplinary action may be required.

1. Failure of any employee to engage in ethical behavior including but not limited to reporting of any activities where the employee has knowledge of where such activities may result in criminal prosecution or result in discipline under this policy; failure of any employee to report official contacts by any law enforcement agency; concealing or attempting to conceal defective work; the exercise of authority for any improper purpose; and/or using a badge, uniform, identification card, or other City property for personal gain or other improper purpose.

2. Failure to perform some or all of the job duties including, but not limited to, unsatisfactory or careless work.

3. The inability or refusal to improve work performance in accordance with written or verbal direction after a reasonable trial period.

4. Unsatisfactory or negligent job performance, inattention to duty, and/or disruption in the workplace.
5. Dishonesty including, but not limited to, any deliberate oral or written falsification or misrepresentation, or the providing of misleading or incorrect information in connection with the preparation of City records, such as employment applications, time sheets, or payroll records, or during investigations and administrative proceedings.

6. Signing another employee's timesheet, altering or defacing an employee's own timesheet or that of another employee, and/or falsifying the actual hours worked on a timesheet.

7. Unauthorized access to confidential information or records and/or unauthorized release of confidential information or records.

8. Unauthorized access into secured City offices, City buildings, or both and/or providing unauthorized access into City offices or City buildings to third parties, whether coworkers or members of the public.

9. Negligently misplacing security access codes, passwords, keys, electronic keys, or cards that provide access to secured City offices or City buildings.

10. Loitering on City property.

11. Stealing, sabotage, willful damage, abuse, or destruction of City property, tools, or equipment, or the property or equipment of a supplier, customer, or another employee, or failure to report any of the above, including removal of City property or the property of others without proper authorization and/or taking City vehicles/equipment home for personal use without prior written authorization.

12. Use, possession, sale, or being under the influence of alcohol or illegal drugs during assigned working hours or while on City property, or reporting to work under the influence of alcohol or illegal drugs.

13. Failure to comply with the City's standards relative to drug and alcohol testing.

14. Unauthorized use, possession, conveyance, or storage of any firearms, explosives, or other dangerous weapons.

15. Insubordination, including actions involving a resistance to, or defiance of, or refusing to carry out a supervisor's/manager's/City agent's lawful orders.

16. The use of abusive or threatening language toward fellow employees, supervisors, suppliers, customers, or citizens, or any verbal or physical behavior that is discourteous and/or unprofessional conduct in the workplace. This includes any bullying behavior, which is defined as repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, at the place of work and/or in the course of employment.

17. Making false, misleading, or malicious statements to a supervisor that harm or destroy the reputation, authority, or official standing of a co-worker; making disparaging remarks that subvert the good order, efficiency, and discipline of the City or any department; and/or engaging in gossip or rumor mongering or other
behavior which creates discord and disharmony in the workplace.

18. Any act of physical violence including but not limited to fighting, coercing, interfering with, or threatening bodily injury to other employees, supervisors, suppliers, customers, or citizens.

19. Conduct which tends to discredit the City, whether on duty, off-duty, in uniform, or on City property.

20. Unauthorized sleeping during assigned working hours.


22. Acceptance of any reward, gift, ticket, or other form of remuneration, in addition to the employee’s regular compensation, for the actions performed in the normal course of the employee’s assigned duties.

23. Leaving work during assigned duty hours without permission, tardiness, and/or improper use of leave.

24. Failure to observe City or Department working hour schedule(s), starting time(s), quitting time(s), and/or rest and meal periods.

25. The personal and/or inappropriate use of City material, time, personnel, or equipment and/or using City equipment and/or property for personal gain.

26. Any violation of health and safety rules including, but not limited to, failure to wear required safety equipment; unsafe operation of any motor vehicle or machinery on City property or while in the City's service; use of cell phone while driving without utilizing a legal method of hands-free communication; tampering with safety equipment; engaging in reckless behavior that endangers one's personal safety or the safety of a co-worker or member of the public; altering or tampering with any machine's safety device; and/or failure to maintain good physical condition sufficient to safely perform work-related duties.

27. Failure to report any on-the-job or work-related accident or injury within twenty-four (24) hours.

28. Smoking in restricted areas.

29. Distributing literature or soliciting on City property during working time without permission of the immediate supervisor.

30. Interfering with investigations conducted by the City, its management, or designated agents of the City.

31. Sexual harassment, or harassment/discrimination for any reason, such as that based on race, color, religion, national origin, ancestry, age, marital status, pregnancy, sex, sexual orientation, veteran’s status, genetic information, disability, or any other legally protected class that is not related to the performance of one’s duties.
32. Misuse or abuse of leaves of absence including, but not limited to, pattern and/or frequency of usage, or where it is reasonable to conclude that absences are not due to the reason(s) for which such leave is authorized.

33. Job abandonment (i.e. at least five (5) consecutive workdays absent from duty without supervisory notification and/or permission).

34. Legal or illegal gambling on City time and/or on City property.

35. Inappropriate use of the intranet, internet, or e-mail in accordance with the City's IT Responsible Use Policy (See Appendix B to this Manual).

36. Any action inconsistent with City or departmental policies, practices, and/or rules.

37. Inappropriate attire in accordance with the City’s dress guidelines.

38. A suspension, revocation, cancellation, or disqualification of a driver's license, professional certification, or license when required for the position, and/or failure of an employee to report any of the above to their supervisor within one (1) working day of the suspension, revocation, cancellation, or disqualification of the driver's license, professional certification, or license.

39. Failure of a supervisor to ensure that subordinates comply with the written rules, regulations, policies, and procedures of the City and/or Department; failure of a supervisor to report misconduct of a subordinate to his/her supervisor or to document such misconduct; and/or discriminatory treatment of subordinates.

40. Violation of any law, statute, or ordinance.

41. The conviction for either a misdemeanor or a felony where the conviction has a nexus (as reasonably determined by the City in its sole discretion) with the employee's duties, which may require a job transfer in addition to disciplinary action. The conviction shall be conclusive evidence of the misconduct having occurred for disciplinary purposes. A plea or verdict of guilty, or a conviction showing a plea of Nolo Contendere, is deemed to be a conviction for disciplinary purposes.

42. Violation of the City’s policies, ordinances, and/or resolutions, including the City’s personnel policies and procedures and/or any other administrative policies of the City.

SECTION 3 – TYPES OF DISCIPLINARY ACTIONS

Discipline may be necessary when City policies are violated or when City expectations are not met. Disciplinary actions range from informal conversations to termination. An effective, reasoned system of disciplinary actions is based on the premise that the actions are to be corrective. Where appropriate, the actions are progressively more severe and fit the nature of the problem. This last premise recognizes that the appropriate response to certain offenses need not be the disciplinary action listed as the first step in the progressive discipline process (i.e., counseling), but may be one (1) of the more severe disciplinary actions listed below:
1. **Counseling** - A discussion with an employee to clarify standards, evaluate strengths and weaknesses, or assist in clarifying and remedying a performance or behavior problem.

2. **Verbal Warning or Reprimand** - An employee may be verbally reprimanded in private about his/her inappropriate behavior. The supervisor shall make a brief notation regarding the date and substance of the verbal reprimand in the employee’s personnel file. If an employee's conduct does not improve, reference to the verbal reprimand will be made in a subsequent written reprimand or performance evaluation.

3. **Written Reprimand.** If the inappropriate behavior continues after a verbal reprimand, or if deemed warranted by the supervisor, the employee will receive written notification indicating that the City is dissatisfied with the employee's services or conduct and that further disciplinary measures may be taken if the behavior is not corrected.

4. **Suspension.** An employee may be temporarily suspended from service without pay. Suspension without pay shall not exceed thirty (30) days for any one (1) offense or for more than sixty (60) days in any fiscal year.

   **Note:** The City will comply with all FLSA rules pertaining to FLSA Exempt employees. FLSA exempt employees shall not be subject to disciplinary pay docking for less than one (1) day increments, except for those major violations that are allowed under the FLSA. Such employees may be subject to a Reduction in Pay in lieu of Suspension.

5. **Reduction in Pay** - The temporary reduction in pay of an employee’s rate of pay. The proposed reduction in pay will be calculated to equal the value of a proposed suspension in terms of compensation lost, over a determined period of time.

6. **Demotion** - The removal of an employee from a presently assigned classification to a lower paying classification. It should be noted that this definition does not apply to assignment changes, reorganizations, or reductions in force (bumping) even where a pay differential is involved.

7. **Termination** - The permanent removal of an employee from City service.

Copies of all disciplinary notices given to an employee shall be sent to the City Manager, or their designee, to be entered in the employee’s official personnel file.

**SECTION 4 – PROCEDURES GOVERNING SUSPENSION, DISCIPLINARY REDUCTION IN PAY, DISCIPLINARY DEMOTION AND TERMINATION**

This section is applicable only to permanent full or part-time employees in the competitive service. At-will, probationary, and temporary/seasonal employees, other than those who were formerly competitive service employees who promoted from a position where they passed their probationary period, have no property interests protected by due process.
4.1 Pre-Discipline (Skelly) Process

The pre-discipline process normally shall apply in all cases where the disciplinary action involves employee property rights (e.g. loss or reduction of pay, suspension without pay, demotion, or termination). The following shall be required to fulfill due process rights and minimize risk of error in the decision to apply disciplinary action:

4.2 Notice of Proposed Action

The employee shall receive a written notice of the proposed disciplinary action. The employee may be asked to acknowledge the document by signing that it was received. The employee’s signature on such a document does not indicate agreement. Generally, such notices shall be prepared by the supervisor and following review, issued by the Department Head. Any Notice of Proposed Action involving loss of pay and/or benefits must be reviewed by the City Attorney's Office prior to issuing the "Notice of Proposed Action" to the employee.

1. Reason(s) for the Proposed Action - The employee shall be given the reason(s) for the proposed disciplinary action.

2. Materials Supporting Proposed Action - The employee shall be given a copy of, or be provided access to, written materials, reports, and/or documents, if any, upon which the action is based.

3. Right to Respond - The employee shall receive a description of the procedures and timeframes for responding to the notice, either orally or in writing, or both, either in person or through a representative, within seven (7) working days, and to a level of management who can effectively and impartially review and recommend that the proposed disciplinary action be taken or not taken. A Department Head (other than the employee’s Department Head) may serve as a hearing officer and render the determination.

4. Notice of Determination and Appeal Process - The employee shall receive a written notice of discipline, giving the original allegation(s), the determination as to the charges, the level of disciplinary action to be received, any final admonition(s), as applicable, and appeal process. The employee shall be notified if no disciplinary action is to be taken.

4.3 Step 1 - Appeal Process – Assistant City Manager

1. When a disciplinary action has been taken and the employee has received written notification of the determination resulting in a demotion, suspension, reduction in pay, or termination, the employee shall have the right to appeal in person or in writing to the Assistant City Manager.

2. The employee must submit a written request for a hearing and provide written responses to the charges within seven (7) working days after having been provided with a copy of the notice of determination. Any failure to appeal within the process and prescribed timelines shall make the action of the hearing officer final and conclusive.

3. The Assistant City Manager, serving as the hearing officer, shall set a date, time,
and location for hearing to be held within ten (10) working days of receipt of the appeal. Upon meeting with the employee and/or employee’s representative, the Assistant City Manager may further investigate before reaching a final determination. The Assistant City Manager shall render a decision in the matter as to the charges and the level of disciplinary action to be received within fourteen (14) working days of the hearing.

4.4 Step 2 – City Manager Appointment of a Hearing Officer

1. When a disciplinary action has been taken and the employee has received written notification of the determination at Step 1 of the appeal process that results in sustaining a demotion, suspension, reduction in pay, or termination, the employee shall have the right to appeal in person or in writing to a hearing officer appointed by the City Manager from a list of hearing officers provided by the State Mediation and Conciliation Service through a mutual strike process.

2. The employee must submit a written request for a hearing and provide written responses to the charges within seven (7) working days after having been provided with a copy of the notice of determination after the step 1 appeal process. Any failure to appeal within the process and prescribed timelines shall make the action of the step 1 hearing officer final and conclusive.

3. The City Manager shall appoint the hearing officer to conduct a hearing on the appeal of any disciplinary action not satisfactorily resolved at Step 1 of the appeal process. The hearing officer shall set a date, time, and location for a hearing to be held within ten (10) working days of receipt of the appeal.

4. A hearing shall be conducted in the manner most conducive in the opinion of the hearing officer to determination of the truth, and the hearing officer shall not be bound by technical rules of evidence. Decisions made shall not be invalidated by an informality in the proceedings.

5. The hearing shall be closed.

6. The hearing officer shall determine the relevancy, weight, and credibility of testimony and evidence. The hearing officer shall base his or her findings on the preponderance of evidence.

7. Each side will be permitted an opening statement and closing argument. The Department Head, and/or legal representative for the Department Head, shall present his or her witnesses and evidence to sustain the charges, and the employee and/or representative for the employee, will then present his or her witnesses and evidence in defense.

8. Each side will be allowed to make opening and closing statements, and will be allowed to examine and cross-examine witnesses under oath.

9. Both the Department Head and the employee or their respective designees may be represented by legal counsel.

10. The hearing officer shall, if requested by either party, subpoena witnesses and/or
require production of the records or material evidence.

11. The hearing officer may, prior to or during a hearing, grant a continuance for any reason he or she believes to be important to his or her reaching a fair and proper decision.

12. The hearing officer shall prepare a recommended decision and forward it to the City Manager no later than thirty (30) days after the matter of appeal was taken under submission by the hearing officer. The recommended decision shall set forth which charges, if any, the hearing officer feels are sustained and the reason(s) for sustaining the charges.

13. After receiving the recommendation of the hearing officer, the City Manager may sustain or reject any or all of the charges filed against the employee, and may sustain, reject, or modify the disciplinary action invoked against the employee. The decision of the City Manager shall be binding and considered final, with no further rights of appeal by the employee.

14. If the City Manager finds for the employee, he/she may order that all or part of the employee’s lost compensation be paid and shall order the employee's reinstatement.

15. Either party may request and obtain a transcript of the hearing by making appropriate arrangements for payment of the cost of transcription.

4.5 Immediate Discipline

Employees may be immediately relieved from duty when, through their own actions, they have created situations wherein they may not reasonably be expected to perform competently, or where their continued presence poses a threat to their own health or safety and/or the health and/or safety of others. Such conditions include, but are not limited to:

1. Reporting to work intoxicated or in a physical or mental state that impairs performance.

2. Assaultive behavior or insubordination where immediate suspension is necessary to restore and/or maintain order and discipline.

3. In such emergency conditions, the pre-disciplinary process should be initiated as soon as possible but need not occur prior to the imposing of some disciplinary action, and, at the discretion of the Department Head, such employee may be allowed to return to work at any time pending the pre-disciplinary process.

4.6 Employee Right to Representation

Any time an employee is to be disciplined (e.g. a written reprimand, Skelly meeting, and/or grievance meeting) or to be interviewed concerning a matter which the employee has reason to believe may lead to discipline, he/she has the right to representation. It is the employee’s responsibility to request this representation, and any failure to request such shall constitute a waiver to representation at that stage.
4.7 Time Limits on Imposing/Proposing Discipline

If disciplinary action is to be taken, it should generally be imposed within ninety (90) days of the act, occurrence, or omission on which the action is to be based. The ninety- (90) day time frame shall generally begin from the time the City gains knowledge, or should have gained knowledge, of the act, occurrence, or omission. If for some legitimate reason the City cannot take action within ninety (90) days, the City must present evidence at the time of disciplinary action, which shows that the City was diligently pursuing an investigation of the act, occurrence, or omission.

4.8 Corrective Approach to Discipline - Performance Evaluations

The following is an adjunct to the corrective approach to discipline. Rather than discipline per se, the following is designed to avoid rewarding less than acceptable performance. Employees receiving a performance evaluation with an overall rating indicating less than satisfactory/average, and that improvement is required or that performance was deemed unsatisfactory, may result in one (1) of the following actions:

1. Extension of a probationary period.
2. Reinstatement of a probationary period.
3. Loss of a merit step increase.

Such ratings may, along with prior discipline, be utilized in evaluating the appropriate discipline to be applied to subsequent misconduct or incompetence.

Performance evaluations shall not be subject to the appeal or grievance process. Employees may, however, submit written comments to accompany the evaluation within their official personnel file.

4.9 Termination of Employment

Any permanent full or part-time employee in the competitive service who neglects his/her duty, is inefficient, violates the City’s rules and regulations, or is repeatedly judged unsatisfactory in any way, may be discharged by the appointing power for cause in accordance with the rules and procedures within this Manual.

Any permanent full or part-time probationary employee in the competitive service who fails to meet the final test of performance and achieve the probationary standards for the position to which they were appointed, shall be dismissed by the appointing power and have no rights of appeal.

Such termination shall result in the automatic removal of the employee’s name from all employment lists on which it may appear.

The salary of any employee terminated from City employment shall end as of the effective date of his or her discharge, except that he/she shall be compensated for any unpaid salary and/or unused vacation and compensatory time accrued but unused as of the date of termination.
SECTION 5 – PROCEDURES GOVERNING NAME CLEARING HEARINGS

An employee not in the competitive service who is terminated under circumstances that might stigmatize his/her reputation, seriously impair his/her opportunity to earn a living, or that might seriously damage his/her standing or association in the community, may request a name clearing hearing to refute the charges and clear his/her name. If a hearing is requested, and the request is granted, the procedure for Appeal to the City Manager within Section 4 – Procedures Governing Suspension, Disciplinary Reduction in Pay, Disciplinary Demotion, and Termination, above shall be followed. The purpose of such a hearing is only to allow the employee an opportunity to clear his or her reputation.

SECTION 6 – PLACEMENT ON PAID ADMINISTRATIVE LEAVE PENDING DETERMINATION OF DISCIPLINARY ACTION

An employee may be placed on a paid administrative leave, at the sole discretion of the City Manager, during the course of an investigation into alleged misconduct to allow his/her Department Head and/or the City Manager time to fully review the facts of an alleged violation. Further, an employee may be placed on a paid administrative leave, at the sole discretion of the City Manager, pending an employee’s response to a Notice of Intent to take disciplinary action, and the determination of the proposed action by the City Manager, Department Head, hearing officer, or other designee.

SECTION 7 – DISCIPLINARY RECORDS

Original copies of all written records pertaining to disciplinary actions shall be maintained in the employee’s official personnel file maintained by the City Manager.

SECTION 8 – GRIEVANCE PROCEDURE

The City wishes to promote and improve employer-employee relations by establishing procedures by which grievances pertaining to non-disciplinary matters may be settled as effectively and as informally as possible; and to facilitate the fair ascertainment of rights and duties between supervisors and subordinates and provide a clear channel for expression of individual and group complaints.

Employees shall be assured freedom from reprisal for using the grievance procedures. Any non-probationary permanent full- or part-time employee in the competitive service shall have the right to invoke the grievance procedure on the basis of any alleged violation of the personnel rules and regulations or applicable memoranda of understanding, including alleged improper treatment of the employee where such treatment is not the result of a disciplinary process, performance evaluation, or alleged violation of accepted safety practices and procedures.

The grievance procedure established within this Manual, provided within Chapter 9, Corrective Action, Disciplinary Procedures, and Grievance Procedures: Section 8 – Grievance Procedure, shall not be used to establish new policies or change existing rules and regulations or to protest any disciplinary action or procedure.

The time limits specified for grievances may be extended to a definite date by mutual agreement of the employee and the City Manager, but absent such agreement, the failure of an employee to proceed with a grievance within the time limits specified shall be deemed a resolution of the
Grievance based on the last decision reached.

Grievances will be handled in a three (3) step process as follows: 1) Informal Grievance, 2) Formal Grievance, and 3) Appeal.

1. **Informal Grievance**

   Whenever possible, an employee who has a complaint should try to solve the problem through informal discussion with his or her immediate supervisor. Upon receipt of such a complaint or grievance, verbally or in writing, the immediate supervisor shall investigate if necessary and reply within five (5) working days. If the employee is not satisfied with the reply, he or she may file a formal grievance.

2. **Formal Grievance**

   A formal grievance may be filed by an employee within ten (10) working days of the occurrence of the act or omission giving rise to the grievance and shall be presented in writing by the employee, or his or her designated representative, to the employee’s Department Head, with a copy sent to the City Manager. The Department Head shall make any investigation deemed necessary to allow fair consideration of the grievance and shall present a written reply to the employee within ten (10) working days after receipt of the grievance. A copy of the reply shall be forwarded to the City Manager.

3. **Appeal**

   If the employee is still not satisfied with the decision, he or she may file a written appeal to the City Manager within five (5) working days after receipt of the Department Head’s reply. Within ten (10) working days, the City Manager shall make a written decision which shall be final and binding on all parties.
CHAPTER 10 – EMPLOYEE SAFETY

SECTION 1 – DRUG AND ALCOHOL-FREE WORKPLACE

1.1 General Policy

It is the policy of the City to maintain a workplace that is free from the effects of alcohol and prohibited substances. The City believes that any employee who uses or is under the influence of alcohol or any prohibited substances while on City business, regardless of locale, jeopardizes the welfare and safety of City employees and the public, as well as undermines productivity and efficiency.

All City employees will receive a copy of this policy and are required to read and sign the City’s Drug Free Workplace Policy and Employee Acknowledgment. Compliance with the following provisions of the Drug Free Workplace Policy is a condition of employment. An employee who violates this policy is subject to corrective action, up to and including termination of employment.

Employees who are experiencing problems resulting from alcohol and/or substance abuse or dependency are encouraged to seek counseling from their immediate supervisor prior to having received a positive drug or alcohol test while on duty. The supervisor will contact and work with the City Manager to identify other sources of assistance. Such discussions will be kept confidential, will not be considered a violation of this policy, and will have no influence on performance reviews. Should an employee voluntarily request a leave of absence for treatment of drug and/or alcohol addiction, the City will reasonably accommodate such a request.

This section shall not apply to employees when attending City-related functions such as the annual City holiday party, provided that the employee will not be returning to work for the remainder of the day of the event. The City Manager may determine other exceptions to this policy on an event-specific basis when Management or Mid-Management employees attend a work-related function where alcohol is served.

Employees shall refer any questions regarding their rights and obligations to the City Manager, or the City Manager’s designee serving as the City’s Designated Employer Representative (“DER”).

1.2 Applicability

This policy applies to all City employees, volunteers, and applicants for employment. Employees are responsible for complying with all aspects of this policy and procedure. Initial employment offers or offers for rehire may be contingent upon successful completion of a controlled substance test based on an evaluation of duties and business necessity.

For permanent positions, candidates, upon receipt of a conditional job offer, may be required to submit to a medical examination and/or blood, urine, or other medical test, and to agree in writing to allow results of these tests to be furnished to and used by the City.

Adoption of a drug and alcohol testing policy for employees assigned to drive commercial motor vehicles is the City’s obligation under Federal Department of Transportation regulations. As a condition of employment, those individuals who occupy safety sensitive positions shall be required to abide by the terms of this policy.
1.3 **Training**

The following requirements are imposed on those supervisors and management personnel responsible for employees subject to this policy:

1. Be trained in detecting the signs and behavior of employees who may be using drugs or alcohol in violation of this policy.
2. Intervene in situations that may involve violations of this policy.
3. Recognize the above activities as a direct job responsibility.

1.4 **Testing Procedures and Prohibited Substances**

Lab procedures will be administered by a third-party medical testing facility selected by the city and will follow requirements as described in Department of Transportation (DOT) regulations. Alcohol testing will be conducted by using a breath-testing device approved by the National Highway Traffic Safety Administration. Drug testing will be conducted by obtaining a urine specimen from an employee. The specimen will be sent to the lab and screened.

The City will test for the following prohibited substances, but the applicability of this Policy is no limited to the listed prohibited substances:

1. **Drugs:** Opiates and their chemical derivatives, opium and opium derivatives, certain hallucinogenic substances, certain depressants, cocaine base in any mixture or preparation, and marijuana. See the Personnel Division for a current list.
2. **Alcohol:** beverages or substances, including any medications containing alcohol, ethyl alcohol, or other low molecular weight alcohol, including methyl or isopropyl alcohol.
3. **Legally-prescribed and non-prescription medications:** Use of or being under the influence of any legally-prescribed medication(s) while performing City business that affects the employee’s ability to perform assigned job duties in a safe, effective, and efficient manner is prohibited.

1.5 **Manufacture, Use, Sale, or Possession of Alcohol or Prohibited Substances**

The manufacture, use, sale, possession, distribution, or purchase of alcohol or a prohibited substance by any employee while on City premises, in a City vehicle, or performing City business is absolutely prohibited. Any employee who is reasonably suspected of being impaired, under the influence of a prohibited substance, or not fit for duty shall be immediately removed from duty and shall not be permitted to operate any City vehicle or equipment. The employee shall undergo a reasonable suspicion alcohol and/or prohibited substance test. Any violation will result in immediate discipline up to and including termination of employment.

A verified positive prohibited substance test result, an alcohol test with a result indicating any alcohol concentration, a refusal to test (including by adulterating or substituting a urine specimen), or any other violation of the prohibition on the use of alcohol or prohibited substances under this...
policy constitutes a violation of this policy and will result in disciplinary action, up to and including termination. Employees failing this test or refusing to cooperate with the administration of this test shall remain off duty and shall be subject to disciplinary action up to and including termination. “Under the influence” is defined as any measurable amount of drugs or alcohol present in an employee’s body. No employee shall report for duty under the influence of alcohol or any prohibited substance. Further, no employee shall use any alcohol or prohibited substance during working hours or operate any City vehicles or equipment while under the influence of alcohol or a prohibited substance, regardless of the amount. No City employee may report for duty or remain on duty when his or her ability to perform assigned functions is adversely affected by alcohol. Violation of any provision of this policy may result in disciplinary action up to and including termination from employment.

Use of any legally-prescribed medication(s) or non-prescription medication(s) shall be permitted, and performance of work-related duties shall be allowed, but only if, after reporting and review of medical advice from a competent medical authority, the City Manager determines that the employee is capable of performing all work-related duties in a safe, efficient, and effective manner. Failure to notify a supervisor of the use of legally-prescribed or non-prescription medication may result in disciplinary action up to and including termination of employment in accordance with this policy.

1.6 Searches

It is the responsibility of all City employees to ensure that the work environment is free of alcohol consumption and prohibited substances. Any City employee who has knowledge of any violation of this policy by another employee is encouraged to report the behavior to the City Manager or Human Resources Manager.

In order to enforce this policy, the City reserves the right to conduct a City Manager-authorized search of City property, and to implement other measures necessary to deter and detect violations or abuse of this policy. Any such administrative search shall be based on reasonable suspicion or the legitimate business needs of the City to maintain a work environment that is free of alcohol and prohibited substances and will be limited in scope to achieve those purposes. The City may conduct unannounced searches of, among other areas and property, City vehicles and property, workstations, work areas, desks, file cabinets, lockers, and all areas and property in which the City maintains control or joint control with the employee, for alcohol or prohibited substances. City employees shall have no reasonable expectation of privacy in these areas and property and in City-supplied property, such as vehicles, workstations, desks, lockers, and cabinets.

An employee’s personal property, private locker, or storage space that is not located on City property or on property jointly owned by the City and the employee may be searched with a valid search warrant in accordance with applicable law, on the basis of reasonable suspicion. Employees are expected to cooperate in the conduct of such searches.

For the purpose of this policy, “reasonable suspicion” is defined as those facts that would lead a reasonably prudent person to believe that the employee has alcohol or prohibited substances or that alcohol or prohibited substances are located in the area(s) to be searched.

1.7 Compliance and Testing Requirements

Applicants or employees who test positive for alcohol or any prohibited substance will have the opportunity to provide a legitimate medical explanation, such as a physician’s prescription, for the positive result. For employees, tests will be completed just before departure, during duty, or in
some cases, just after the employee has finished performing his or her job duties, as reasonably practicable. Employee testing will be conducted without cost to the employee during regular working hours, and transportation will be provided to and from the medical facility where the test will be taken.

Supervisors requesting a “reasonable suspicion” or “post-accident” alcohol or prohibited substance test for an employee should first contact the City Manager or Human Resources Manager to get corroboration of the visible signs/behaviors and refer to the testing procedures.

All information relating to prohibited substance testing will be kept strictly confidential and will be maintained in each employee’s medical file, which is maintained separately from an employee’s personnel file. Results of a prohibited substance test will only be discussed with those that have a work-related need to know.

1.8 Pre-employment Testing

As part of the required health screening, the prospective employee with a conditional offer of employment shall be required to undergo a drug and alcohol screening test by urinalysis. These practices are designed to avoid the hiring of individuals whose use of drugs or alcohol indicates a potential for impaired or unsafe job performance. Prospective employees with a conditional offer of employment must sign an authorization of disclosure of the medical information in accordance with the law. All offers of employment are contingent upon successful completion and passing of any required testing.

All applicants will be notified of the City’s drug and alcohol testing policy prior to being tested, will be informed in writing of his or her right to refuse to undergo such testing, and will be informed that the consequence of refusal is termination of the pre-employment process.

Before a drug or alcohol test is administered, the employee will be required to sign consent forms authorizing the test and permitting the release of the test results to the City Manager.

The City is required to obtain from previous employers, upon written consent, information on any alcohol test of 0.04 or greater, positive drug results, refusals to be tested, or other violations of regulations during the past two (2) years for applicants who will be placed in a safety-sensitive position.

If an applicant refuses to take a drug or alcohol test, or if evidence of the use of illegal drugs or alcohol by an applicant is discovered either through testing or other means, the pre-employment process will be terminated.

1.9 Post-Accident Testing

Post-accident testing will be implemented if an employee is involved in an accident when an employee is on City business and which results in a fatality, injury, or significant property damages, or if an employee receives a citation under state or local law for a traffic violation in connection with the accident.

Post-accident testing will also be implemented if an employee is involved in any non-vehicular accident that results or could result in the filing of a Workers Compensation claim.

Such testing will be conducted within two (2) hours after the accident or as soon thereafter as
reasonably practicable. If an employee is injured, unconscious, or otherwise unable to give consent of the alcohol or prohibited substance test, the individual understands that by signing acknowledgement and receipt of this policy, he or she consents to such a test in such circumstances.

1.10 Reasonable Suspicion Testing

Any employee who reports to work and appears to be under the influence of alcohol or any prohibited substance is subject to reasonable suspicion testing. Testing of employees for alcohol or any prohibited substance may be implemented by City management when there is a reasonable suspicion that an employee possesses or is under the influence of alcohol and/or any prohibited substance. If an employee is on a medically-prescribed medication, it is his/her responsibility to advise their supervisor of this fact before reporting to work, as described above.

Testing may also be required if an employee is found to be in possession of physical evidence, i.e., alcohol, a prohibited substance, or paraphernalia, possibly connected with the use of alcohol or any prohibited substance, or if alcohol or any prohibited substance is found in the employee’s immediate work area.

1.11 Return to Duty Testing

Employees who refuse to submit to a prohibited substance test or do not pass a test may not return to duty until they pass a prohibited substance test and the City Manager has determined that the individual may return to duty. Appropriate disciplinary action, up to and including termination, will be taken against those who either refuse to take or fail a prohibited substance test.

Moreover, all employees returning from a leave of absence to attend alcohol and/or prohibited substance rehabilitation treatment must also present documentation reflecting the successful completion of such treatment.

Should the results of the alcohol or prohibited substance test be negative, the employee may return to the workplace and perform regular job duties, and no further action will be taken on the incident that gave rise to the reasonable suspicion.

1.12 Notifying City of Criminal Drug Statute Arrests, Charges, and Convictions

If an employee is arrested for, charged with, or convicted of violating a criminal drug statute, the employee must notify the City Manager in writing within two (2) calendar days after such arrest, charge, or conviction.

1.13 Violation of Policy

Any employee who is found through drug or alcohol testing to have in his or her body a detectable amount of an illegal drug or of alcohol will be subject to the disciplinary process.

SECTION 2 – GENERAL SAFETY

Employee safety is of utmost concern, and each employee is expected to exercise safe work practices for his/her own benefit and the benefit and welfare of his/her co-workers. Responsibility for
each employee’s safety rests with each individual, and where unsafe work practices or work conditions exist, employees shall notify their supervisor immediately.

All employees shall follow safe practices, use personal protective equipment as required, render every possible aid to safe operations, and report all unsafe conditions or practices to the employee’s immediate supervisor or Department Head immediately upon knowledge of the unsafe conditions or practices.

Each employee shall comply with the safety laws, rules, and regulations of the California Division of Occupational Safety and Health ("CAL/OSHA"), and with any and all other safety rules, regulations, ordinances, and statutes pertaining to the employee’s position or job classification.

Each department will hold safety meetings among employees regularly and keep records of the subject matter discussed and those in attendance. Employees injured on the job in the course of their duties shall notify their supervisors immediately or within twenty-four (24) hours so that proper documentation can be provided.

The City strongly encourages employees to communicate with their supervisors regarding safety issues.

SECTION 3 – SAFETY RULES

Safety is to be given primary importance in every aspect of planning and performing all City activities. The City is committed to protecting employees against industrial injury and illness, as well as to minimizing the potential loss of production.

Below are some general safety rules that employees shall abide by in making safety a regular part of work. Employees shall also be responsible to comply with other safety procedures in their specific department or work area.

1. **Working Safely** - Safety is everyone's responsibility. An employee is expected to remind his/her co-workers about safe work methods. An employee should start work on any machine only after safety procedures and requirements have been explained. An employee shall immediately report any suspected hazards and all accidents to his/her supervisor.

2. **Lifting** – An employee is expected to ask for assistance when lifting heavy objects or moving heavy furniture. Employees shall use effective methods for lifting, including: bend knees, get a firm grip on the object, hold the object close to the body, keep feet apart for good balance, and lift using stronger leg muscles and not weaker back muscles.

3. **Materials Handling** – An employee is expected to carry or pass items, and not to throw objects. Flammable items such as cleaning fluids should be used with caution. Stacking of materials should be made to only safe heights.

4. **Trash Disposal** – An employee is expected to keep sharp objects and dangerous substances out of trash cans. Items that require special handling should be disposed of in approved containers.
5. **Cleaning Up** – To prevent slips and tripping, employees are expected to clean up spills and pick up debris immediately.

6. **Preventing Falls** – Employees are expected to keep aisles, workplaces, and stairways clean, clear, and well lighted. In the course of work, employees shall watch their step and walk rather than run.

7. **Handling Tools** – Employees shall exercise caution when handling objects and tools. Employees shall not use broken, defective, or greasy tools, and shall use tools for their intended purpose only. Employees are expected to wear safety glasses or goggles whenever using a power tool.

8. **Falling Objects** – Employees shall store objects and tools where they won’t fall and avoid storing heavy objects or glass on high shelves.

9. **Work Areas** – Employees shall keep cabinet, file, and desk drawers closed when not in use, and open only one (1) drawer at a time. Employees shall remove or pad torn, sharp corners and edges.

10. **Using Ladders** – Employees shall place ladders securely, and shall not stand on boxes, chairs, or other devices not intended to be used as ladders.

11. **Machine Guards** – Employees shall keep guards in place at all times. Employees shall not clean machinery while it is running and shall lock all disconnect switches while making repairs or cleaning.

12. **Personal Protective Equipment** – Employees shall always wear or use appropriate safety equipment as required by the assigned work or task. Employees shall wear appropriate personal protective equipment, including, but not limited to shoes, hats, gloves, goggles, and hearing protectors in designated areas or when working on an operation which is potentially hazardous. Gloves shall be worn whenever handling castings, scrap, or barrels.

13. **Electrical Hazards** – Employees shall be aware and avoid standing on a wet floor while using any electrical apparatus. Employees shall keep extension cords in good repair, avoid making unauthorized connections or repairs, and avoid overloading outlets.

14. **Fire Extinguishers** – Employees shall be aware of where fire extinguishers are and how to use them.

15. **Report Injuries** – An employee shall immediately report all injuries, no matter how slight, to his/her supervisor.

16. **Ask Questions** – An employee shall consult with a colleague or supervisor before proceeding whenever in doubt regarding the safe way to perform a task. Employees will not be asked to perform any task which may be dangerous to their health, safety or security. If an employee feels that a task may be dangerous, they should inform their supervisor at once.
Failure to adhere to these safety rules, other rules prescribed by supervisors, managers, and Department Heads, or other related City policies, may be considered serious infractions and may result in disciplinary action.

SECTION 4 – EMPLOYEE PARTICIPATION IN MAKING SAFETY A HIGH PRIORITY

The City strongly encourages employee participation and employee input on health and safety matters. Employees may report potential hazards and make suggestions about safety without fear of retaliation. The City appreciates, encourages, and expects this type of involvement. The success of the safety program relies on the participation of all employees. Though it is the City’s responsibility to provide for the safety, health, and security of its workers during working hours, it is the responsibility of each employee to abide by the rules, regulations, and guidelines set forth.

4.1 City Manager, acting as Safety Officer, or Designee

1. Implement and maintain administrative procedures and activities necessary for the operation of a meaningful safety program.

2. Advise and coordinate with safety representatives on those matters pertaining to committee meetings, safety inspections, California Occupational Safety and Health Act (CAL-OSHA) inspections, and safety training and related programs.

3. Prepare periodic accident summaries, committee meeting minutes, agendas and reports as necessary, and summaries of inspections; research and provide information to safety representations and others concerning safety regulations, publications and other information as necessary.

4. Maintain required records and make determinations of recordable/non-recordable, as defined by CAL-OSHA, or avoidable/non-avoidable accidents.

5. Assist supervisors and departments heads to investigate and report on every incident of a serious job injury to an employee.

6. Report serious injuries involving hospitalization or death of an employee to the State Department of Industrial Relations within twenty-four (24) hours of occurrence.

4.2 Department Heads

1. Prepare or ensure the preparation and maintenance of specific safety rules and practices to be followed by all employees within the department and its various divisions and units.

2. Such rules and practices shall be included in the departmental orientation of all new employees; they shall be the subject of periodic review (i.e. tailgate meetings) with affected employees; and they shall be posted on bulletin boards for reference.

3. Assist in the implementation and maintenance of the safety program whenever practical or necessary.
4. Consider and act upon appropriate recommendations from the safety committee concerning the abatement of unsafe or unhealthy work conditions or practices within a reasonable period of time.

4.3 **Supervisors**

1. Be responsible for the enforcement of safety rules among employees under their supervision.

2. Be responsible for familiarizing employees with the hazards of the job to which they are assigned and shall instruct their personnel in the safe methods of performing the job.

3. Periodically review the work practices of subordinate employees who work under their charge to ascertain that they continue to work in a safe manner, and in accordance with the safe practices covering the specific work.

4. At the end of each workday/shift, inspect work areas for proper housekeeping and for fire or other hazards and see that they are left in a safe condition.

5. Report all injuries promptly to the Safety Officer and Department Head pursuant to applicable administrative regulations of the City.

4.4 **Safety Representatives**

1. Attend and take an active role in safety committee meetings.

2. Periodically evaluate and forward to the Safety Officer the Department’s safety and training needs for committee action.

3. With the approval of the respective Department Head, submit work orders to appropriate Departments for the immediate correction of safety hazards.

4. Participate as necessary in safety inspections, workshops, or other training as may be necessary.

5. Observe and recommend correction as appropriate of any departmental working conditions or practice which can be deemed unsafe or unhealthy.

6. Periodically inspect and ensure that departmental safety supplies are replenished (first aid kits, fire extinguishers, etc.) by the department.

7. Consult with the safety officer on departmental safety matters requiring research and/or technical advice.

4.5 **All Employees**

1. Notify their immediate supervisor of the need for correction of unsafe or unhealthy working conditions or practices, including potential workplace violence.

2. Adhere to all rules and regulations pertaining to the City’s and departmental safety rules and program.
3. Apply a common-sense approach to safe working practices and conditions.

4. Report all injuries, regardless of severity, to the immediate supervisor.

Failure to adhere to these rules will be considered serious infractions of safety rules and will result in disciplinary action, up to and including termination.

SECTION 5 – SAFETY COMMITTEE

The City shall establish a Safety Committee for the purpose of reducing or eliminating job related accidents and injuries.

Regular meetings of the Safety Committee shall be held quarterly or as otherwise determined by the City Manager or designated Risk Manager.

5.1 Committee Members

The City Manager or designated Risk Manager shall request designated staff members from each City department for membership on the Safety Committee. The Committee shall elect a chairperson and vice chairperson annually to conduct the business and tasks related to committee activities, who shall serve for one (1) year. The Chairperson shall designate one (1) committee member to record the minutes and provide all reports as necessary.

5.2 Committee Responsibilities

The Committee shall:

1. Make recommendations for prevention and reoccurrence of accidents.
2. Initiate and recommend safety procedures and policies.
3. Recommend improvement of present safety procedures and policies.
4. Recommend and promote education of all employees in the area of safety.
5. Review and make recommendations on all matters of safety with regard to employees and City owned vehicles and equipment.
6. Participate as needed in the conducting of safety inspections.
7. Make recommendations to Department Heads and/or the City Manager on the Committee’s findings concerning safety issues.

SECTION 6 – WEAPONS

The City believes it is important to establish a clear policy that addresses weapons in the workplace. Specifically, the City prohibits employees who enter City property from carrying a handgun, firearm, knife, or other prohibited weapon of any kind, regardless of whether the person is
licensed to carry the weapon or not. Any object used in a threatening manner shall be considered use of a weapon.

The only exception to this policy will be public safety officers, security guards, armored car attendants, or other persons who have been given written consent by the City to carry a weapon on the City’s properties.

Any employee disregarding this policy may be subject to discipline, up to and including termination.

SECTION 7 – EQUIPMENT USE AND CARE

It is each employee’s responsibility to understand the machines needed to perform his/her duties. Good care of any machine that is used during the course of employment, as well as the conservative use of supplies, will benefit the employee, City, and citizenry. If an employee finds that a machine is not working properly or in any way appears unsafe, the employee is required to notify his/her supervisor immediately so that repairs or adjustments may be made. Under no circumstances should any employee start or operate a machine that an employee deems to be unsafe, nor should any employee adjust or modify the safeguards provided.

An employee is prohibited from attempting to use, and is not expected to use, any machine or equipment that he/she does not know how to operate, or for which the employee has not yet completed training on the proper use of the machine or equipment. Machines/equipment should only be used for their intended purpose and within their manufacturer’s specified tolerances.

When operating machines and equipment, each employee shall ensure the following procedures are adhered to:

1. Make sure machine guards are in place while machines are in operation.
2. Remove loose clothing, jewelry, and/or rings before operating machinery.
3. Wear steel toe shoes and prescription eye protection to start the job, if required.

Required personal protective equipment, except for prescription glasses, will be issued by supervisors to employees. The City shall provide a clean, safe, and healthy place to work and provide the best equipment possible. Each employee is expected to work safely, to observe all safety rules, and to keep the premises clean and neat.

Employees are reminded that carelessly endangering oneself or others may lead to disciplinary action up to and including termination.

SECTION 8 – SAFE USE OF PESTICIDES BY EMPLOYEES

All maintenance and field personnel required to apply, mix, or load pesticides shall utilize the personal protective and safety equipment specified on the pesticide product label or required by regulations. It is the intent of this policy to ensure the health and safety of the affected employee.

The following procedures shall be adhered to:

1. Application of pesticides is not to be completed unless the employee has received
training in matters of pesticide safety. The City shall provide pesticide handler’s training to these employees on an annual basis.

2. When applying pesticides, employees shall have the following items on the application site, (either on the employee or in the assigned vehicle) including but not limited to:
   
a. A sample or actual pesticide product label applicable to the product(s) being applied.

   b. Local hospital or clinic information including location and phone number.

   c. A Pesticide Use Report to record amounts of product used on the site.

3. Mix, load, or apply pesticide(s) only after reading the product label and utilizing the specified personal protective equipment (PPE) given on the label.

4. The City will make available any PPE required to safely conduct the pesticide application.

5. Employees are required to turn in a Pesticide Use Report on the last working day of the month reporting all pesticide applications conducted during that month. If no pesticide were applied during the month, then use should be reported as zero.

Under the California Department of Pesticide Regulation pesticide worker regulations, the employer has the primary responsibility for safety in the workplace. However, these regulations also recognize that employees also have responsibility for utilizing personal protective and safety equipment specified by product labeling or required by regulation.

Employees failing to comply with the procedures and PPE guidelines outlined within this policy will be subject to disciplinary action up to and including termination.

**SECTION 9 – SECURITY**

Maintaining the security of City buildings, facilities, and vehicles is every employee's responsibility. Each employee shall develop habits that ensure security as a matter of course. At the time of hire, employees will be advised about the proper entrances and exits for employees, as well as unauthorized areas, if any.

Non-exempt City employees should not be in City work areas except for their regularly scheduled or overtime shifts or attendance at a City-authorized meeting. Exempt employees may be in their regular City work areas after hours and on weekends and/or holidays whenever the demands of their work require it, subject to any required approval by their Department Head. For insurance purposes, unescorted or unauthorized visitors in City facilities are prohibited. Certain employees are authorized to arm and disarm the building alarms. When designated, such employee(s) shall be given instruction on the alarms and codes.

The City may exercise its right to inspect all packages and parcels entering and leaving the premises.
Among the City’s expectations are that employees shall:

1. Always keep cash properly secured.
2. Know the location of all alarms and fire extinguishers and be familiar with the proper procedure for using them, as assigned and/or should the need arise.
3. Ensure that all entrances are properly locked and secured when leaving the City’s premises, as assigned and/or should the need arise.
4. Note and promptly report suspicious circumstances or persons on the premises.

Failure to adhere to these security rules will result in disciplinary action, up to and including termination.

SECTION 10 – PARKING AREAS

Employees are encouraged to use the parking areas designated for employee parking. Employees are reminded to lock their vehicles, as the City will not accept responsibility for any loss, theft, or damage to an employee’s vehicle or any of its contents.

Courtesy and common sense in the parking lot will help eliminate accidents, personal injuries, and/or damage to an employee’s vehicle and to the vehicles of other employees. Employees are reminded to use extreme caution in parking areas by being observant of other employees and/or pedestrians in the parking areas, and by maintaining a safe driving speed at all times.

Any employee who causes damage to another vehicle or other property while parking or leaving shall immediately report the incident, along with the license numbers of both vehicles and any other pertinent information, to the supervisor.

SECTION 11 – REPORTING OF INJURY AND ACCIDENTS

11.1 Reporting of Injuries

City employees are covered under the Workers’ Compensation Laws of the State of California. These laws are intended to provide employees with medical care and treatment for injuries sustained in the course of their work. Weekly benefits shall be provided to those employees who are unable to work due to job-related illness or injury.

All accidents, injuries, potential safety hazards, safety suggestions, and health and safety related issues must be reported immediately by an employee to the employee’s supervisor. Any employee who is injured or observes another employee being injured should contact outside emergency response agencies, if needed.

The following steps must be followed in order for injured employees to be covered in a timely and efficient manner. The establishment of these steps constitutes the written policy of the City, and failure on the part of an injured employee to follow these steps may be cause for disciplinary action. Moreover, pursuant to law, an injured employee who fails to properly notify his/her employer of a work-related injury may forfeit benefit entitlement.
1. Every work-related injury/illness, no matter how minor must be reported immediately by the employee to his/her supervisor. If unable to locate the supervisor, an employee shall report the injury/illness to the Department Head, or in their absence to the City Manager.

2. If the injury/illness is not an emergency, the supervisor will send the employee to the City’s industrial medical facility. If the injury/illness is an emergency, the employee or supervisor is expected to call 911 immediately or report to the nearest emergency facility.

3. The department supervisor, manager or Risk Manager shall provide the injured employee with the following documents:
   
   a. Employee’s Claim for Worker’s Compensation Benefits (DWC 1 Form)
   
   b. Adinsure Supervisor’s Report of Injury or Illness Form
   
   c. Adinsure Employer’s Report of Occupational Injury and Illness Form (Form 5020)

4. If the injury occurs after hours or on a weekend, the employee must report the incident immediately to his/her supervisor and the City Manager on the first business day following the injury. Employees injured after hours or on a weekend should attempt to contact their supervisor before, during, or after normal business hours.

5. The City Manager shall coordinate with the injured employee and employee’s supervisor for the processing of the required documents to the City’s Workers’ Compensation carrier.

11.2 Reporting of Accidents/Vehicle Collisions

Every work-related accident involving a City vehicle, City equipment, or City property, no matter how minor, must be reported immediately by the employee to his/her supervisor. If unable to locate the supervisor, an employee shall report to the Department Head, or in their absence to the City Manager.

Within two (2) days of occurrence of a work-related accident as indicated above, the supervisor shall complete the “Supervisor’s Vehicle Collision Report” and forward copies to the Department Head and City Manager.

The City Manager shall immediately forward a copy of the collision report to the City’s insurance carrier, the City Attorney, and the chairperson of the Safety Committee in order for the Committee to conduct an investigation.

SECTION 12 – EMERGENCIES

12.1 Emergency Response and Training
It is the duty of each City employee to fulfill the responsibilities of a disaster service worker if deemed necessary by the City Manager. In the event of a declared emergency situation (e.g. earthquake, flood, riot, war, etc.), employees will be directed to report to the City’s Emergency Operations Center (EOC), which is located in the City’s Community Center at 4501 Casa Loma Avenue. Employees will be contacted and given further instructions as to when to report to the EOC in the event of a declared emergency situation.

The State of California established a Standardized Emergency Management System (SEMS) to improve local emergency response efforts. The City will provide training in SEMS and all employees shall attend and complete the required courses. All permanent full and part-time employees will be issued a first responder first aid kit to be left in their car at all times. This is to be used in case of a City emergency. All supplies are owned by the City and shall be returned at time of resignation of termination of employment.

The City recognizes that emergency preparedness and response is an important and monumental effort. The City will continue with ongoing training in order to best prepare you for emergency response functions.

12.2 Emergency Operations Plan

The City has a written Emergency Operations Plan that presents the designated actions the City and its employees must take to ensure employee safety from fire and other emergencies. The Plan also provides the framework for responding to other emergencies and disasters within the City.

12.3 Fire Prevention/In Case of Fire

City employees are expected to know the location of the fire extinguisher(s) in their work areas and to make sure they are kept accessible at all times. Employees must notify their supervisor if an extinguisher is used or if the seal is broken. Extinguishers that are rated ABC can be used for paper, wood, or electrical fires. Employees are to ensure that all flammable liquids, such as alcohol, are stored in approved and appropriately labeled safety cans and are not exposed to any ignition source.

Any employee who becomes aware of a fire should:

1. If the fire is small and contained, locate the nearest fire extinguisher. This should only be attempted by employees who are knowledgeable in the correct use of fire extinguishers.

2. If the fire is out of control, leave the area immediately. No attempt should be made to fight the fire.

3. After reaching a safe location, dial 911 to report the fire and then immediately contact a supervisor.

4. When the emergency services crew(s) arrives, direct them to the fire. Do not re-enter the building until directed to do so by the emergency services crew.
12.4 **Emergency Evacuation**

If you are advised to evacuate the building, you should:

1. Stop all work immediately.
2. Shut off all electrical equipment and machines, if possible.
3. Walk to the nearest exit, including emergency exit doors.
4. Exit quickly, but do not run. Do not stop for personal belongings.
5. Contact outside emergency response agencies, if needed.
6. Proceed, in an orderly fashion, to a parking lot near the building. Be present and accounted for during roll call.
7. Be alert to any person that may need assistance in the evacuation process.

Do not re-enter the building until instructed to do so.

In the event of a disaster, the City Manager serving as Incident Commander, or designee, is authorized to take such actions as may be necessary to facilitate recovery operations, including, but not limited to, deploying staff for damage assessment and emergency repair purposes, and procuring materials, labor, and services required for damage control and emergency repairs.

**SECTION 13 – VEHICLE USAGE**

13.1 **City Vehicles and City-Owned Pool Vehicles**

The City provides vehicles for certain field employees while performing the duties of their job. Additional vehicles are maintained for use as needed. Further, the City provides City-owned pool vehicles to be utilized by employees while conducting City business.

The City has established guidelines to ensure the safety of the employee, liability protection for the employee and the City, and the care and maintenance of City vehicles. Employees who drive City vehicles in the course of their work shall adhere to the following policies and procedures:

1. A specific vehicle may be assigned to an employee.
2. Employees shall have a thorough knowledge and understanding of all rules, procedures, and policies pertaining to driving and maintenance of City-owned vehicles.
3. Employees with assigned vehicles have the responsibility to see that the proper care and maintenance of the vehicle is performed on a regular basis and in a timely manner.
4. When using a “Pool” vehicle, an employee shall inform the appropriate staff member upon returning the vehicle if there appears to be need for maintenance while the car was being driven.
5. Employees are expected, as a condition of employment, to obtain, possess, and maintain all licenses required to operate vehicles and equipment pursuant to their job descriptions.

6. Employees are expected to maintain personal automobile insurance coverage on their personal vehicles, and to obey all state and local traffic laws.

7. Employees are expected to report immediately when involved in an accident, no matter how minor, using a City-owned vehicle. If the accident involves a collision, a Vehicle Collision Report must be completed by the supervisor and submitted to the Department Head. The report must be forwarded to the City Manager within two (2) days.

8. Employees using City-owned vehicles shall be responsible for keeping sufficient fuel in the vehicle.

9. Any employee operating or riding in City vehicles must wear seat belts at all times, as required by law.

The City Manager may, on a case-by-case basis, authorize in writing certain employees to drive a City vehicle to and from home. Such authorization may be granted on a limited basis or in special circumstances. Employees may use these vehicles for limited personal use during working hours, but must leave them parked at home in a secure location during non-working hours unless otherwise indicated in writing by the City Manager.

For employees that do not drive a City vehicle to and from work, the following rules apply:

1. City-owned vehicles shall be parked at the appropriate City facility overnight and on the weekends when not in use for conducting City business.

2. An employee shall obtain his/her assigned vehicles prior to reporting to work at their assigned work area if the vehicle is parked in a different location.

3. An employee may use the City-owned vehicles while on coffee breaks or lunch break within the City limits or within a reasonable distance from the City (i.e. nearby areas of adjoining cities).

4. An employee shall return the City-owned vehicles after the completion of his/her workday.

5. The City-owned vehicles may be used for traveling to business meetings approved by the Department Head or other approved assignments outside of the City limits.

6. Under no circumstances is the vehicle to be used for personal business.

7. Time spent by non-exempt employees in driving a City or personal vehicle on City business during normal working hours is considered hours worked for pay purposes.
13.2 Rentals, and Private Vehicles

Employees traveling out of town on City business may be authorized to use rental cars, subject to City Manager approval. Optional insurance on rental vehicles should not be obtained.

Employees who need transportation in the course of their normal work may be assigned a City vehicle for their use or may be provided with a monthly car allowance as further outlined in the applicable Memorandum of Understanding or Resolution with the approval of the City Manager. All other employees needing transportation for City business may use a vehicle assigned to their Department or drawn from the motor pool.

As a last alternative, when no City vehicles are available, employees may use their own vehicles for business purposes, provided evidence of insurance has been received, if requested, and approved by the City and with the prior approval of the City Manager. If this is the case, the employee will receive mileage reimbursement.

Employees who regularly use their own vehicles for City business should determine whether notification to their insurance company of such use is required. The City is not liable for any damage to an employee’s privately-owned vehicle, unless caused by the City’s negligence (employee’s negligence excepted). It is the responsibility of the employee operating the vehicle to notify his/her immediate supervisor, the Department of Motor Vehicles (DMV), and the employee’s insurance company in case of any accident.

13.3 Driver’s License

Employees who drive City vehicles must possess a valid driver’s license, provide proof of valid insurance, and be approved to operate such vehicles. Such employees shall participate in the California Department of Motor Vehicle “Pull Notice” program. Employees holding jobs designated as requiring driving for business as a condition of employment must be able to meet the driver approval standards of this policy at all times. The driving requirements are specified in each job description. In addition, such employees must inform their supervisor(s) of any changes that may affect their ability to meet the standards of this policy. The City obtains, on a regular basis, motor vehicle records of all employees.

Employees who notify their supervisor of a suspension or revocation of their driving privileges shall immediately cease driving City-owned vehicles or their own vehicles in the performance of their duties as a City employee. Such employees may be temporarily assigned duties that do not require the operation of a vehicle with approval of the Department Head and City Manager, providing:

1. The employee has passed the probationary period.
2. The temporary assignment does not affect the overall operation of the Department.
3. The temporary assignment does not place undue hardship or additional duties on other employees.
4. The duration of the temporary assignment does not exceed six (6) months.

The effected employee shall be notified of the action to be taken against him or her and right of appeal related to disciplinary matters, as provided in this Manual.
13.4 **Responsibility for Vehicle and Tickets**

Employees who drive a vehicle on City business must exercise due diligence to drive safely and maintain the security of the vehicle and its contents. Employees are responsible for any driving infractions or fines as a result of their driving.

13.5 **Reimbursement for Expenses**

Employees driving on City business may claim reimbursement for parking fees and tolls actually incurred. Employees who use their personal vehicle for approved business purposes shall receive a mileage allowance equal to the internal revenue service standard mileage rate. This allowance is to compensate for the cost of gasoline, maintenance, and usage. Reimbursements may not be approved if the employee has not complied with the insurance requirements or if a City vehicle was available and the employee failed to use it.

13.6 **Proof of Insurance**

All new employees required to drive City-owned vehicles shall be insurable by the City’s insurance carrier as a condition of employment.

Permanent full- and part-time competitive service employees who become uninsurable may be terminated, or may be temporarily assigned duties which do not require the operation of a vehicle, with approval of the Department Head and City Manager, providing:

1. The employee has passed the probationary period.
2. The temporary assignment does not affect the overall operation of the Department.
3. The temporary assignment does not place undue hardship or additional duties on other employees.
4. The duration of the temporary assignment does not exceed six (6) months.

Employees who drive their own personal vehicle for approved business purposes may, on an annual basis, be required to provide the City Manager with a certificate verifying that they have insurance coverage. Before any employee can obtain reimbursement, the employee must have the prior approval from his/her supervisor and may be required to have a current insurance certificate on file.

13.7 **Safety While Driving**

Employees are not permitted, under any circumstances, to operate a City vehicle, or a personal vehicle for City business, when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of illness, medication, or intoxication.

13.8 **Use of Cell Phones While Operating a Motor Vehicle**

In the interest of the safety of our employees and other drivers, employees are only permitted to utilize cellular telephones while operating a motor vehicle for City business purposes when that use
is in compliance with applicable California Law. However, a driver, regardless of age, may use a cellular telephone for emergency purposes, including, but not limited to, an emergency call to a law enforcement agency, health care provider, fire department or other emergency services agency or entity.

Any violation of this policy is a violation of City rules and will be subject to disciplinary action.

13.9 Text Messaging, Emailing, and Accessing the Internet

As required by applicable California law, the use of text messaging, emailing, and accessing the internet while driving a motor vehicle to include writing, sending, or reading a text-based communication such as text-messaging, instant messaging, and email, is strictly prohibited.

Any violation of this policy is a violation of City rules and will be subject to disciplinary action.

13.10 Accidents and Theft

Employees must report any accident, theft, or damage involving a City vehicle, or a personal vehicle used for City business, to the City Manager regardless of the extent of damage or lack of injuries. Employees are expected to cooperate fully with authorities in the event of an accident. However, they should not make any statements other than in reply to questions of investigating officers.

Employees who drive City and personal vehicles on City business are expected to maintain a good driving record. If an employee whose job requires driving as a condition of employment has a at-fault accident in a City vehicle, or in a personal vehicle while conducting City business, the employee is subject to disciplinary action. If an employee operates any City vehicle while physically or mentally impaired, the employee may be subject to discipline. This prohibition includes, but is not limited to, instances where an employee is temporarily unable to operate a vehicle safely or legally due to illness, medication, or intoxication.

13.11 No Smoking Policy

Pursuant to applicable California law, employees shall not smoke in any City vehicle. A violation of this “No Smoking” policy shall result in disciplinary action.

SECTION 14 – ANTI-VIOLENCE POLICY

The City of Yorba Linda takes a proactive approach to violence and will tolerate neither violent behavior nor any behavior that is known to have a high correlation to violent behavior, such as bullying and threats of violence, in the workplace. The City encourages employees to report all incidents of violence in the workplace. Incidents of threats, harassment, and other aggressive behavior should be immediately reported to a City supervisor.

The City recognizes that individuals will experience difficulties related to their work and their relationships with co-workers, supervisors, managers, and/or members of the public. The City offers an Employee Assistance Program for all employees to receive support in handling any difficulties that may arise. The City also provides a complaint process if the difficulties are due to issues of harassment, discrimination, or other unfair treatment. Any acts that breach the policy will be investigated and appropriate action will be taken including discipline, up to and including termination.
14.1 Definitions

Workplace violence includes, but is not limited to, acts of violence against the physical, psychological, or economic interests of an individual. It also includes threats of such violence-implied or direct, verbal or non-verbal against individuals. Examples of workplace violence include, but are not limited to, the following:

1. Hitting, pushing, shoving, kicking, assaulting, or harming the physical body of an individual or threatening such behavior.

2. Unlawfully touching an individual.

3. Making menacing, threatening, or harassing gestures or statements toward an individual. Such statements may include inappropriate joking or ridiculing that nevertheless constitutes a threat.

4. Making menacing, harassing, or threatening phone calls to an individual.

5. Stalking or conducting an unlawful or unauthorized surveillance of an individual.

6. Attempting to intimidate an individual through the use of body language, threatening statements, innuendo, staring, or other direct or indirect means of communication.

7. Using firearms in an inappropriate or unauthorized manner.

8. Using tools, equipment, or other device against an individual in an inappropriate or unauthorized manner.

9. Harming, attempting to harm, or threatening to harm the property of an individual.

10. Harming, attempting to harm, or threatening to harm the property of the City. This includes, but is not limited to, arson, sabotage, and vandalism.

11. Behaving in a manner that poses a credible threat to the bodily safety, physical or psychological well-being, or economic interest of an individual.

12. Acting or behaving, as described above, against the family or friends of an employee.

13. Making a statement to a third-party that evidences a credible or meaningful possibility that the maker of the statement will commit workplace violence, including making threats of workplace violence.

14. A threat of violence need not be direct but may be implied. A threat of violence may be in written or oral form. A threat of violence may also be non-verbal (communicated by body language, gestures, or other means).

15. Workplace violence may be evidenced from a pattern of conduct composed of a series of acts over a period of time, notwithstanding that some or all of the acts individually may not appear to constitute workplace violence.
16. Workplace violence need not be directed toward an identifiable individual. It may be directed toward an unidentified individual, a group of employees, or employees of a legally protected class (e.g., race, sex, religion, age, disability).

14.2 General Policy

It is the policy of the City of Yorba Linda to provide a safe workplace for its employees. All forms of workplace violence are prohibited.

This policy applies to all persons involved in the City's operation, including but not limited to, the following: employees, contractors, temporary workers, volunteers, anyone on City property, subcontractors, vendors, any individual acting as a representative of the City of Yorba Linda while off City property, and/or any individual off City property whose actions involve City's business or interests.

Places where workplace violence can occur include, but are not limited to, the following:

1. On City property, regardless of the relationship between the City and the persons involved in the incident of workplace violence.

2. Off City property, if the assailant is a City employee, worker, representative, agent, contractor, subcontractor, or vendor, and the incident involves or is connected to any City business or interest. Non-employees are encouraged to report known incidents of workplace violence or potential workplace violence, including any threats or acts of violence.

City employees, workers, representatives, agents, contractors, subcontractors, and/or vendors must report any known incidents of workplace violence or potential workplace violence pursuant to the procedures set forth herein and any other policies or procedures adopted by the City.

In order to promote compliance with this policy and maximize the City’s efforts to provide a safe and secure workplace that is free from violence, the City will establish security measures and practices as needed. It will also provide related training programs as appropriate.

The City’s management team will periodically review the implementation of this policy and offer advice to City supervisors to offset and prevent incidents of workplace violence.

Compliance with the Violence in the Workplace Policy is a condition of employment and will be evaluated, together with other aspects of an employee’s performance.

In order to avert future acts of workplace violence, managers are expected to implement the following practices in sections 14.3 through 14.7 below.

14.3 Reference Checks

Prior to the selection of a job applicant for a position, a reference check should be completed. Basic employment should be verified. This includes, but is not limited to, prior position held, duties of the position, dates of employment and reason for leaving. The information received should be documented and factual with no subjective comments. The City Manager will offer assistance in the completion of reference checks.
14.4 Employee Privacy

Supervisors are encouraged to refer all requests for information concerning current employees to the City Manager or Human Resources Manager. Information concerning an employee’s workplace location shall not be given to anyone who cannot demonstrate a business necessity for this information.

14.5 Workplace Security

Managers are encouraged to solicit assistance from the City’s Safety Officer and/or public safety officials for an inspection of the workplace facilities. This inspection would include recommendations to managers on securing the workplace against potential acts of workplace violence.

14.6 Observations

Supervisors and others should rely on their own judgment, personal observations, and corroborating information when assessing the likelihood that an employee or other person will commit workplace violence. Behavior of particular significance includes antisocial behavior (e.g., recurring hostility or excessive aggression), erratic behavior, irrational behavior, behavior evidencing the use of drugs or alcohol (e.g., incoherent or impaired speech, dilated pupils, lack of coordination when walking or performing other physical tasks, and/or alcohol on the breath), and out of the ordinary work mistakes or behavior. Acts that may individually appear harmless may, in conjunction with other behavior, indicate a possibility of (or potential for) workplace violence.

Supervisors and others should consult with their supervisor, Department Head, the Safety Officer, and other appropriate personnel regarding behavior that may not constitute workplace violence but that may nevertheless indicate a significant increase in the likelihood of workplace violence.

It is important to be careful when drawing assumptions or relying on any of the above behaviors as indicators of violence. Many people experience stress, loss, or illness at some point. All but a very few people handle these disruptions and conditions without resorting to violence. Intervention should focus on supporting the employee through these disruptions and managers should be trained to deal with these difficulties.

Whenever a situation may arise in the workplace, it is important that an assessment occur to determine the degree of risk. All threats must be treated in a serious manner. Supervisors and employees should identify the potential perpetrator and report incidents of violence immediately. The situation should be managed in a way that protects all employees.

14.7 Procedure

The following guidelines are provided. All situations may not require the same actions, and good judgement should be utilized, as well as coordination with management, in taking all appropriate steps.

1. Recognize what is occurring.
2. Remain calm and proceed in a logical manner.
3. Assess the situation in terms of degree of threat, injury, or damage.
4. Avoid making counter-threats or agitating the person committing the workplace violence.

5. Take appropriate and reasonable steps to reach a secure area and assist others, if necessary and possible, to reach a secure area.

6. Call 911 if:
   a. The assailant is still violent or threatening violence.
   b. The assailant has not been detained or is not in custody.
   c. Someone is injured.

7. The 911 dispatcher's screen will display the billing address. Answer the dispatcher's questions in a calm and accurate manner.

8. Provide warning, if necessary and possible, to any employees or persons.

9. If in a secure area, wait for security and/or medical assistance.

10. When it is safe, immediately report the potential or actual workplace violence.

11. Report the incident to the employee's immediate supervisor, other appropriate manager, or the Department Head. The reporting should not be delayed because of any unavailability of a supervisor, manager, or Department Head.

12. The immediate supervisor, other appropriate manager, or the Department Head must immediately report the potential or actual workplace violence to the City Manager or Human Resources Manager, and the Safety Officer.

13. The Department Head should ensure that the situation is under control, including ensuring that the assailant is in custody or removed from the work site, if necessary, that employees are safe, that any required warnings are given to other employees or persons, and that any appropriate federal, state, and/or local agencies are contacted about the incident as required by law.

14. If an employee or a work group has been affected by workplace violence, the City Manager should arrange for Employee Assistance Services.

15. If necessary, the City Manager should arrange for the drug and alcohol testing of the employee.

16. If necessary, the City Manager should arrange for the transportation of the employee to his or her home. If it appears that the employee's judgment is impaired, the employee should be prohibited from driving him or herself home. In such an event, the City Manager should contact a family member or provide alternative arrangements.

17. Return to the work site by an employee alleged to have perpetrated any act (or threat) of workplace violence shall only be authorized by the City Manager.
18. An investigation of the potential for actual workplace violence or of any credible allegations of potential or actual workplace violence will be conducted.

19. During the investigation, subsequent proceedings, and thereafter, all information regarding the incident must be kept confidential to the extent required by law and as reasonably necessary.

20. Employees found to have committed workplace violence will be disciplined up to and including termination.
CHAPTER 11 – SEPARATION FROM EMPLOYMENT

SECTION 1 – RESIGNATION

Any employee wishing to leave City employment shall notify his/her supervisor of his/her intended resignation in writing at least two (2) weeks prior to the resignation date. Any employee who submits their resignation shall be expected to work up to and including the day indicated as their resignation date. The two (2) weeks’ notice shall not include the use of accumulated leave, unless such time off during the final two (2) weeks is approved by the supervisor. Therefore, an employee’s resignation date, unless otherwise approved by the City Manager shall be the same day as their last working day with the City. The employee’s written notice of resignation shall be forwarded by the supervisor to the City Manager. Failure to give notice as required by this rule may be cause for denying future employment by the City.

Prior to the employee’s last day of employment, he/she will be required to complete various forms (See Section 2, Exit Interview below), and a timesheet to ensure that the final pay check is issued accurately. The final paycheck will be mailed on the City’s next regularly scheduled payday. On the last day of employment, the employee will be expected to return all City property, including keys to City facilities or work areas, uniforms, equipment, electronic equipment, the City Employee Identification Card, and any other items issued to the employee.

SECTION 2 – EXIT INTERVIEW

All permanent full and part-time competitive service employees who terminate from City employment shall be encouraged to complete a Personnel Exit Questionnaire. All completed copies of the Personnel Exit Questionnaire shall be forwarded to the City Manager.

These forms are not an evaluation of the employee, but rather are intended to serve as a means to gather important feedback and statistical information in evaluating the reasons for employee departures. This information is used as a source of obtaining information for potential policy changes and improvements, and to respond to Unemployment Insurance Claims in a fair manner.

SECTION 3 – LAYOFF/REDUCTION IN FORCE/RECALL

3.1 General Policy

The City Manager shall maintain authority to approve the layoff of permanent full and part-time employees in the competitive service, and probationary workers at any time, based upon:

1. Lack of, or shortage of, work;
2. Material change in duties;
3. Change in organization;
4. Budgetary reasons, including shortage of funds.

3.2 Alternatives to Layoff

It may be appropriate from time to time for the City to reduce staffing. Depending on the circumstances that give rise to such a situation, the City may respond in several ways, including offering a voluntary reduction of hours or days of work, implementing a mandatory reduction of employees’ hours or days of work, or implementing layoffs.
Before a layoff is implemented, the City will evaluate alternatives by which it may attempt to avoid layoffs. The alternatives will include methods that are designed to achieve a reduction in personnel costs in a manner that will enable the City to avoid or limit layoffs while still meeting its needs. The City retains full authority to determine what measures are most appropriate under the circumstances.

3.3 Offer of Reassignment

At the sole discretion of the City Manager, an employee who is to be laid off may be appointed to an existing vacancy in a lower or equal classification for which the employee is qualified, without exception. The Department Head, in consultation with the City Manager, will effect the appointment in lieu of layoff.

At the sole discretion of the City Manager, a demotion or transfer to another department or classification may be made to prevent a layoff, provided that the employee is qualified by education and/or experience and is capable of performing the duties of the classification and such an offer is possible. The Department Head, in consultation with the City Manager, will effect the reassignment in lieu of layoff.

3.4 Advance Notice

At least thirty (30) calendar days written notice shall be given to any employee who is laid off. If less than thirty (30) calendar days’ notice is provided, the employee will be paid for the difference between the date of layoff and thirty (30) calendar days.

3.5 Reduction in Force/Bumping Rights/Appeal Rights

When it becomes necessary to reduce the workforce at the City, the City Manager shall designate the impacted department(s), division(s), work unit(s), and/or classification(s) in order to effect a reduction in the workforce.

Temporary, part-time, seasonal, or probationary employees in the same job classification as ones proposed to be reduced with the City shall be laid off first.

Probationary promotional employees who are laid off shall, if applicable, be returned to their former classification. Employees who accept lower positions or transfers in lieu of layoff shall be placed at the salary range of the new position at the closest step to the employee’s current compensation.

A permanent full- or part-time competitive service employee laid off from a particular classification may “bump” into a classification within the same Department for which he or she meets the qualification requirements.

After an employee is informed of an impending layoff or “bump down”, he or she must inform the Department Head within five (5) working days of his or her intent to take the option of the layoff or the “bump down.”

The process will be repeated at the next classification level where an employee bumps in and creates a surplus in that classification. Please refer to Chapter 5, Section 5 of this manual concerning elimination of positions for the appeal rights of permanent employees in the event of a layoff from all employment with the City.
3.6 Order of Layoff

The order of layoff of permanent employees within the same job classification shall be made in accordance with each employee’s seniority as defined in Section 3.7 below.

3.7 Seniority Defined

For the purpose of layoff, seniority will be measured from an employee’s most recent date of hire as a permanent full- or part-time competitive service employee. However, any period of unpaid leave of absence in excess of thirty (30) calendar days shall be deducted from the employee’s total service time, except where the deduction of such leave is prohibited by state and/or Federal law.

A full-time employee shall be credited with one (1) year of seniority for each year of service provided there are no service reductions such as unpaid leave of absences. A permanent part-time employee shall be credited with years of seniority on a pro-rata basis, which shall be measured by accumulated hours worked.

3.8 Recall List

The name of every permanent full or part-time competitive service employee who is laid off, transferred, or demoted due to a reduction in force shall be placed on an appropriate recall list according to the date and the order separated and shall be eligible for re-employment. Such re-employment shall be based on the following sequence: the last employee laid off shall be the first employee on the list with other employees being eligible in sequential order thereafter. The City shall fill permanent vacancies from the Recall list, prior to using any other available employment eligibility list to fill permanent vacancies in the subject classification.

Individual names may be removed from the Recall List by the City Manager for any of the following reasons:

1. The expiration of two (2) years from the date of placement on the List.
2. Re-employment with the City in a full-time position in a Department other than that from which the employee was laid off.
3. Failure to respond within fourteen (14) calendar days of mailing of a certified letter regarding availability for employment.
4. Failure to report to work within fourteen (14) calendar days of mailing of a certified letter containing a notice of reinstatement to a position absent mitigating circumstances.
5. A request in writing from the employee to the City Manager requesting to be removed from the List.

The City Manager in his/her sole discretion may extend the active period of re-employment lists or an individual employee’s eligibility on such lists for six (6) month periods as he/she determines to be in the best interest of the City.
3.9  **Status on Re-employment**

A permanent employee who has been laid off or terminated in lieu of reassignment and is re-employed in a permanent position within two (2) years from the date of his/her layoff or termination shall be entitled to:

1. Restoration of seniority accrued prior to layoff.
2. Credit for all service prior to layoff for the purpose of determining the rate of accrual of vacation leave.
3. Placement in the salary range as if the employee had been on a leave of absence without pay if he/she is reinstated to the same job classification in the same Department from which he/she was laid off or terminated.

3.10  **Benefits for Laid Off Employees**

The following benefits shall be offered to employees subject to a layoff:

1. Employee Assistance Program (EAP) services for the employee and employee's family.
2. COBRA medical, dental, and vision benefits to be paid by the employee.

3.11  **Exit Process**

Prior to the employee’s last day of employment as a result of lay-off, he/she will be required to complete various forms and a timesheet to ensure that the final pay check is issued accurately. The final paycheck will be mailed on the City’s next regularly scheduled payday. On the last day of employment, the employee will be expected to return all City property, including keys to City facilities or work areas, uniforms, equipment, electronic equipment, the City Employee Identification Card, and any other items issued to the employee.

**SECTION 4 – ABANDONMENT OF EMPLOYMENT**

An employee’s unauthorized absence without notice for more than five (5) consecutive working days will constitute an automatic resignation by the employee as of the last date on which the employee worked, and the employee may only be reinstated upon making an explanation which is satisfactory to the City Manager and upon the City Manager’s finding that the employee is ready, able, and willing to resume his or her position or that consent for a leave of absence has been given.

**SECTION 5 – RETIREMENT OR END OF SERVICE RECOGNITION**

The City has established an end of service recognition program in order to recognize employee contributions to the City of Yorba Linda upon retirement or other end of service. All employees who meet the conditions of retirement or ending service with the City as defined within this policy are eligible to receive the awards outlined within each category.
Recognition efforts shall be coordinated in a timely manner by the employee’s Department Head upon timely written notification from the employee of his/her pending retirement or separation from service, including the date of separation. The City Manager upon notification from the Department Head shall determine the award level based on the years of service and notify the employee and his/her Department Head of the determination.

5.1 Definition of Retirement or Ending Service Eligibility

The City shall recognize any permanent full- or part time employee with at least five (5) years of continuous employment with the City, who permanently resigns or retires (including disability retirement) from the City. The number of years of service for purposes of end of service recognition shall be calculated based on the total number of years worked, not the total number of hours worked (i.e. a permanent part-time employee who worked in a three-quarter time capacity for 20 years shall be recognized as a 20-year employee).

5.2 City’s Maximum Contribution

Eligible employees, as defined above, shall be placed in the following categories of years of service in order to determine the City’s standard contribution for the retirement or end of service gift defined as follows. The City Manager may at his/her discretion award a higher level of recognition to a departing employee, or additional recognition such as a City street sign and/or a small gift.

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>City’s Standard Contribution</th>
</tr>
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<tbody>
<tr>
<td>5-9 Years</td>
<td>Plaque</td>
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<tr>
<td>10-20 Years</td>
<td>Plaque &amp; Proclamation</td>
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<tr>
<td>20+ Years of Service</td>
<td>Plaque, Proclamation, &amp; Two-Hundred-Fifty Dollars ($250.00)</td>
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</tbody>
</table>

SECTION 6 – TERMINATION OF AT-WILL MANAGEMENT EMPLOYEES

6.1 General Policy

Persons occupying Management positions serve at the will and pleasure of the City Manager and may be discharged from City employment by the City Manager without proof of cause or other justification and without right of appeal or hearing. It is the policy of the City of Yorba Linda that severance pay shall be granted to terminated at-will employees in accordance with the applicable Management Resolution and/or any Employment Agreement between the City and the employee.
# APPENDIX A - FORMS

<table>
<thead>
<tr>
<th>A-1</th>
<th>Acknowledgement of Receipt of Personnel Policies and Procedures Manual (New)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-2</td>
<td>Acknowledgement of Receipt of Drug and Alcohol-Free Workplace Policy (New)</td>
</tr>
<tr>
<td>A-3</td>
<td>Acknowledgement of Receipt of Harassment, Discrimination and Retaliation Prevention Policy (New)</td>
</tr>
<tr>
<td>A-4</td>
<td>Absence Request Form</td>
</tr>
<tr>
<td>A-5</td>
<td>Authorization for Release of Medical Information (New)</td>
</tr>
<tr>
<td>A-6</td>
<td>Bi-lingual Program Application</td>
</tr>
<tr>
<td>A-7</td>
<td>Bi-lingual Compensation Agreement</td>
</tr>
<tr>
<td>A-8</td>
<td>Drug Screen Analysis Form (New)</td>
</tr>
<tr>
<td>A-9</td>
<td>Employee Agreement</td>
</tr>
<tr>
<td>A-10</td>
<td>Employee Feedback Form (New)</td>
</tr>
<tr>
<td>A-11</td>
<td>Employee Fitness Program Contract</td>
</tr>
<tr>
<td>A-12</td>
<td>Employee Fitness Renewal Form</td>
</tr>
<tr>
<td>A-13</td>
<td>Employee Recognition Program Nomination Form</td>
</tr>
<tr>
<td>A-14</td>
<td>Exit Interviewer Summary</td>
</tr>
<tr>
<td>A-15</td>
<td>Management Pay-For-Performance Program Summary Worksheet</td>
</tr>
<tr>
<td>A-16</td>
<td>Management Pay For Performance Program Performance Goals</td>
</tr>
<tr>
<td>A-17</td>
<td>Management Behavior Evaluation</td>
</tr>
<tr>
<td>A-18</td>
<td>Overtime Request Form</td>
</tr>
<tr>
<td>A-19</td>
<td>Payroll Deduction Authorization Form</td>
</tr>
<tr>
<td>A-20</td>
<td>Performance Evaluation Form</td>
</tr>
<tr>
<td>A-21</td>
<td>Personnel Action Form</td>
</tr>
<tr>
<td>A-22</td>
<td>Personnel/Exit Questionnaire</td>
</tr>
<tr>
<td>A-23</td>
<td>Preventive Maintenance Checklist Form</td>
</tr>
<tr>
<td>A-24</td>
<td>Request to Engage in Outside Employment Form (New)</td>
</tr>
<tr>
<td>-----</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>A-25</td>
<td>Supervisor’s Report of Industrial Injury Form</td>
</tr>
<tr>
<td>A-26</td>
<td>Supervisor’s Vehicle Collision Report</td>
</tr>
<tr>
<td>A-27</td>
<td>Telecommuting Agreement (New)</td>
</tr>
<tr>
<td>A-28</td>
<td>Telecommuting Request Form (New)</td>
</tr>
<tr>
<td>A-29</td>
<td>Time Sheet Form</td>
</tr>
<tr>
<td>A-30</td>
<td>Vehicle Preventive Maintenance Checklist</td>
</tr>
<tr>
<td>A-31</td>
<td>Workers’ Compensation DWC-1 Form</td>
</tr>
</tbody>
</table>