

PERSONNEL MANUAL

City of Salinas

Human Resources Division

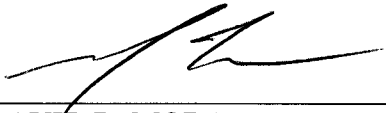
APRIL 2007



AUTHORITY STATEMENT

This revision of the City of Salinas Personnel Rules and Regulations is published in accordance with Municipal Code Section 25-49 authorizing the establishment of personnel rules and regulations for the City and Section 104 of the City of Salinas Resolution #12542 which authorizes the City Manager to establish these administrative rules and regulations clarifying said resolution and Chapter 25 of the Municipal Code.

I hereby endorse and establish this April 5, 2007 revision of the Personnel rules and Regulations of the City of Salinas. These rules exemplify the City's belief in strong labor and management cooperation to foster productive employer-employee relationships.



DAVID R. MORA
City Manager

Date: _____

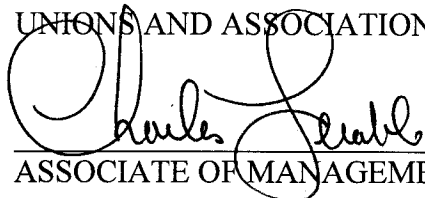
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MEET AND CONFER ACKNOWLEDGEMENT

The undersigned acknowledge they have meet and conferred from February 2003 to April 2007 on these revisions of the City of Salinas Personnel Rules and Regulations dated April 2007.

UNIONS AND ASSOCIATIONS

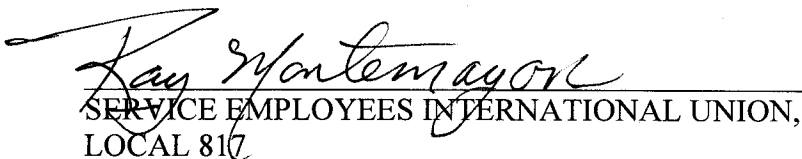
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ASSOCIATE OF MANAGEMENT PERSONNEL

4/5/07


SERVICE EMPLOYEES INTERNATIONAL UNION,
LOCAL 817, CREW SUPERVISORS

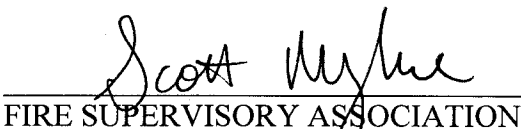
4/5/07


SERVICE EMPLOYEES INTERNATIONAL UNION,
LOCAL 817

4-5-07


SALINAS MUNICIPAL EMPLOYEES ASSOCIATION

4-5-07


FIRE SUPERVISORY ASSOCIATION

4-5-07


SALINAS FIREFIGHTERS ASSOCIATION, IAFF LOCAL 1270

2 July 2007



SALINAS POLICE OFFICERS ASSOCIATION

4-5-07


SALINAS POLICE MANAGEMENT ASSOCIATION

4-5-07

CITY OF SALINAS


DAVID R. MORA

4-5-07

City bargaining unit representatives were afforded the opportunity to meet and confer. The City of Salinas is proceeding to publish this revision under authority of Government Code Section 3504.5 (MMB).

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SECTION 1: GENERAL

1.1 Purpose

It is the purpose of these rules and regulations to implement the provisions of the City of Salinas Municipal Code, Chapter 25, Article 3 and Section 1402 of the Personnel Resolution. These rules are not intended to be an employment contract between the City and its employees and do not create property or other rights of employment which are set forth in law and labor agreements. Where there may be a conflict between sections of these Rules and Regulations and specific MOU's, the MOU's shall prevail. Approved Department rules and regulations will augment the Personnel Manual.

1.2 Positions Covered

These rules and regulations shall cover all employees in the classified service. The City Manager, City Attorney, and Department Directors shall be considered as regular employees and shall be covered by all Personnel Rules, except those which are superseded by the executive pay plan or are excluded by City Code. Temporary, part-time hourly employees, emergency, CDBG funded and special program positions are excluded from the classified service and are not covered by these rules except for specific sections such as conduct and performance reviews as designated by the City.

1.3 Authority of the City Manager

The City Manager is empowered to appoint employees as may be required to properly operate all City departments other than the City Attorney's staff, in accordance with current ordinances, resolutions and the budget, as adopted by the City Council. Further, the City Manager is empowered to publish these rules and related administrative directives so as to clarify the adopted code and resolution relating to the personnel system. The City Manager is designated by Resolution No. 6678 to serve as Employee Relations Officer. The City Manager may delegate these authorities as he deems appropriate. This includes delegation of rule making authority so Department Directors can establish and maintain appropriate departmental rules and regulations.

1.4 Administration

These rules shall be administered by the Human Resources Officer under the direction of the City Manager and in conformity with the City's Ordinance and Resolution establishing a personnel system. Subject to the approval of the City Manager, the Human Resources Officer shall:

- A. Administer the provisions of the Personnel Ordinance and Resolution, and all personnel rules not reserved to the Council or City Manager.
- B. Prepare and recommend to the City Manager:

1. Revisions and amendments to the Personnel Ordinance, Resolution and Rules.
 2. A position classification plan including class specifications and revisions of the plan.
 3. A compensation plan and revisions thereof, based on the classification plan.
- C. Administer the personnel recruitment and in-service training programs for all City personnel.

1.5 **Adoption and Amendment of Rules**

- A. The Human Resources Officer is responsible for the maintenance of the Personnel Rules and Regulations, in consultation with the Department Directors, the City Manager, and the representatives of the various City employee organizations, when appropriate.
- B. Additions or revisions to the rules shall become effective when approved by the City Manager.

1.6 **Selection Process**

- A. The City selection process shall operate under merit principles, and shall conform with Section 302 of the Personnel Resolution. Every attempt will be made to ensure the use of selection procedures that are valid. Records or other information will be maintained which will disclose the impact that tests and other selection procedures have upon employment opportunities of persons by identifiable race, sex, or ethnic group in order to determine compliance with section 302.
- B. The City may choose to utilize alternative selection processes in order to eliminate adverse impact as part of an equal employment opportunity program.
- C. All personnel employed by the City of Salinas will be chosen, retained and advanced according to the City's merit system. It is the policy of the City of Salinas that it shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, color and religious creed, sex (including pregnancy) age, marital status, sexual orientation, national origin, disability or any other classification protected by applicable discrimination laws in the operation of public employment. A requirement may exist for U.S. citizenship in accordance with the State and Federal Law.
- D. Announcements of recruitment for position vacancies will be posted in City facilities and advertised to the public. All persons who meet the minimum qualifications for the position may apply. All applications will be impartially reviewed, and those individuals determined to be the best qualified will be invited to participate in an examination process as determined by the Human Resources Officer. An eligibility list will be prepared and certified to the City Manager

and/or the Department Director concerned. Candidates will be chosen to fill the position(s), provided that they can successfully complete the required physical examination and relevant background investigation.

- E. First consideration for promotions to non-management, non-public safety positions will be given to qualified City employees in accordance with the promotion policy outlined in Section 5.3.

1.7 **Equal Employment Opportunity**

The City of Salinas is governed by the policy of equal employment opportunity, which is found in Section 25-51 of the Municipal Code and Section 102 of Resolution 12542 (N.C.S.).

The City's Equal Employment Opportunity Plan will be followed in applying these personnel rules.

SECTION 2: DEFINITIONS

2.1 Acting Pay

A ten percent premium pay to an employee assigned to carry out the duties of a vacant position.

2.2 Equal Employment

A planned, ongoing program to accomplish the concept and goal of equal employment and opportunity.

2.3 Appeal

An application for review of an alleged grievance or disciplinary action submitted or initiated by an employee to duly constituted higher authority.

2.4 Applicant

An individual who has completed and submitted an application for employment with the City.

2.5 Appointing Authority

The City Manager or the Department Director, whose authority to appoint or to remove employees is stated in the City Code for all employees in the classified service.

2.6 Appointment

The filling of a position by the City Manager or a Department Director. Appointments include several types: regular, regular part-time, temporary, part-time hourly, emergency, special. Each of these categories is explained in Section 303 of Personnel Resolution 12542.

2.7 Candidate

An applicant for a position that is invited to participate in the examination process.

2.8 Certification

The submission of names of eligible candidates by the Human Resources Officer to a Department Director.

2.9 **Classification Series**

A number of classifications which are substantially similar as to the types of work involved, and differ only in rank as determined by the importance of the duties, degree of responsibility involved, and amount of training and experience required. Such classifications constitute a series.

2.10 **Class Specification**

The written description of a class, containing a title, statement of duties, authority and responsibilities, and the minimum qualifications for the class.

2.11 **Classify**

The act of grouping positions in classes with regard to

- A. Duties and responsibilities
- B. Requirements of education, certification, registration, knowledge, experience, and ability and the relationship to other classifications.
- C. Policies and procedures for administering the plan.

2.12 **Classification Plan**

The official or approved system of grouping positions into appropriate classes and class series consisting of:

- A. An index to the class specification.
- B. The class specifications.
- C. Rules for administering the classification plan.

2.13 **Classified Service**

All positions in the service of the City as defined in the Personnel Resolution. Excludes City Manager, City Attorney, temporary, part-time hourly, emergency, and special positions.

2.14 **Compensation Plan**

The official schedule of pay assigning one or more rates of pay to each classification. The Plan includes all forms of compensation and employee benefits. The compensation plan reflects the pay and benefits established by Memorandum of Understanding or agreements with the City Council.

2.15 **Demotion**

The movement of an employee from a position in one class to a position in another class having a lower salary range or to a lower step in the employee's current salary range. A voluntary demotion is a demotion initiated or agreed to by an employee. An involuntary demotion is a demotion initiated by an appointing authority not agreed to by an employee that may be as a result of disciplinary action.

2.16 **Discharge**

Separation from City employment; for cause in the case of a regular or regular part-time employee or without cause for a probationary regular or unclassified employee.

2.17 **Domestic Partner Benefits**

The City of Salinas will provide domestic partner benefits as provided for under State and Federal law.

2.18 **Holiday**

The period between 12 midnight at the beginning and 12 midnight at the end of the day on which a holiday falls, or the same period on the day designated to serve in lieu of the holiday, when the latter falls on a Saturday or Sunday. Specific holidays are listed in the appropriate MOU.

2.19 **Immediate Family**

Includes wife, husband, son, daughter, mother, father, brother, sister, or grandparents of employee, and relatives of the same degree through marriage.

2.20 **Layoff**

Separation from the service because of a shortage of funds or materials, reorganization, abolishment of position, or for reasons outside the employee's control.

2.21 **Leave of Absence**

Permission to be absent from duty for a specified period of time and for a specified purpose, with the right to return at the expiration of the approved period of leave.

2.22 **Overtime**

Hours worked in excess of 40 hours per seven day work week period. Fire and police safety employees work period is defined in accordance with Federal Law and City Administrative Memoranda.

2.23 **Personnel Action**

An action taken with reference to appointment, compensation, promotion, transfer, layoff, discharge, or any other action affecting status of employment.

2.24 **Personnel File or Personnel Record**

That record maintained by the Human Resources Officer relating to the employment history of an individual employee.

2.25 **Human Resources Officer**

The individual appointed by the City Manager and to whom is delegated the responsibility of administering the Personnel Ordinance, Resolutions and such related duties as may be prescribed by the City Manager or the Deputy City Manager.

2.26 **Personnel Ordinance**

The Ordinance adopted by the City Council, establishing a system of personnel administration known as Chapter 25 of the Municipal Code.

2.27 **Probationary Period**

A fixed period of time during which an employee is required to demonstrate, by actual performance of duties, his/her fitness for the position to which he/she has been appointed. During the original probationary period, the employee may be separated without cause or right of appeal. During the promotional probationary period the employee may be demoted without cause or right to appeal.

2.28 **Promotion**

The movement of an employee from a position in one class to a vacant position in another class with a higher salary range.

2.29 **Re-appointment**

The return of an employee who previously held regular status in the classified service and who resigned in good standing, was laid off, or was separated for non-disciplinary reasons per Resolution Section 305.

2.30 **Reclassification**

A change in designation of an individual position by raising it to a higher class, reducing it to a lower class, or by moving it to another class at the same salary level on the basis of significant changes in the type, degree of difficulty, or responsibility of the work performed in such position. The incumbent of such reclassified position may be reclassified without testing, based on a gradual change in the duties and responsibilities of the position.

2.31 **Regular Employee**

An employee in the classified service or covered by these rules who occupies a budgeted position. Probationary employees are defined as regular employees

2.32 **Separation**

The severing of the employment relationship.

2.33 **Special Assignment Pay**

A premium pay authorized when an employee temporarily is assigned the duties of another class or is temporarily assigned a significant increase in responsibilities.

2.34 **Status**

The description of an employee's present appointment, such as temporary, regular, regular part-time, temporary, part-time hourly, emergency, special as defined in the Personnel Resolution Section 302.

2.35 **Suspension**

The temporary separation of an employee from his or her duties without pay for disciplinary purposes.

2.36 **Temporary Employee**

Defined in Personnel Resolution, Section 303.

2.37 **Transfer**

The movement of an employee from one position to another position in the same classification as defined in the Personnel Resolution Section 306.

2.38 **Vacancy**

A duly authorized position in the classified service which is not occupied and for which funds have been budgeted and are available.

2.39 **Work Day**

The scheduled number of hours an employee is required to work per day.

2.40 **Work Period**

That period of hours worked as specified by Federal Law. The normal workweek of 40 hours work in a 7 day work period. Police and fire safety work periods are covered in the appropriate Administrative Memoranda.

2.41 **“Y” Rate**

An interim salary rate equal to the employee’s current salary exceeding the salary range assigned as applied in accordance with Personnel Resolution Section 505.

SECTION 3: CLASSIFICATION PLAN

3.1 Purpose

The classification plan provides a complete inventory of all positions in the City service and a description and specification for each class of employment. The plan standardizes titles, each of which is indicative of a definite range of duties and responsibilities.

3.2 Composition of Classification Plan

The classification plan shall consist of:

- A. Grouping of positions which are approximately equal in difficulty and responsibility, consisting of the same general qualifications and which can be equally compensated with the same range of pay for similar working conditions. Classes shall be arranged in series whenever possible.
- B. Written specifications for each class of positions which will be indexed and placed in a document entitled City of Salinas Classification Plan.
- C. Rules and procedures for administering the Plan including extracts of these rules.

3.3 Preparation of Classification Plan

- A. The Human Resources Officer shall obtain from the department(s) concerned a draft job description and shall record the duties and responsibilities of all regular positions in the city service. After consultation with the Department Directors, employee representatives and others concerned, the Human Resources Officer shall recommend to the City Manager a classification plan for such positions.
- B. The classification plan shall be reflected in written job descriptions for each class including a total summary of the work, a list of typical duties, and a statement of the qualification standards required for filling vacancies.

3.4 Content of Specifications

Each class specification shall include the title, a description of the duties and responsibilities of work, and a statement of the qualifications required of the person who is to perform the work.

3.5 Assignment of Positions to Class

Upon adoption of the classification plan, the Human Resources Officer will assign or allocate each position in the City service to a classification established under the plan.

3.6 Use of Class Title

Class title shall be the official title of every position allocated to the class for the purpose of personnel actions and shall be used on all payrolls, budget estimates, official records, and reports relating to the position. The Department Director may authorize the use of any other working title for purposes of internal administration or in contacts with the public.

3.7 Interpretation and Significance

Class specifications are descriptive and not restrictive. They are not to be construed as restricting the duties or responsibilities of any position, nor as limiting or modifying the power of any Department Director to assign, direct and control the work of employees under supervision. The use of a particular example or illustration as to duties shall not be held to exclude contents not mentioned that are of similar kind or quality, nor shall any specific omission necessarily mean that such factor is not included. However, any planned significant changes in organization and work methods or assignments which might affect the duties of employees should be reported to the Human Resources Officer so he/she can consult with employee representatives regarding the impact of the changes prior to their implementation.

3.8 Modifications to Classification Plan

Modifications to existing classes may be made necessary by gradual changes in job duties over a period of time. The classification plan will be kept current to reflect additions, deletions, or modifications of classes.

- A. Minor modifications to classifications, including additions or deletions may be made by the Human Resources Officer, when approved by the City Manager.
- B. Major modifications to classifications which have fiscal impact, shall be processed by referral from the Human Resources Officer to the City Manager with recommendations to be presented to the City Council. Such changes will be presented to Council in resolution form rescinding and replacing the prior resolution.

3.9 Reclassification

- A. When Department Directors believe that positions under their jurisdiction may be improperly classified, or that the duties and responsibilities have changed, they may request a classification study of the position. Such requests shall be directed in writing to the Human Resources Officer and shall include justification in support of the request. Employees may submit a written request for study of their position through the Department Director or the City Manager. However, if it is found that the intent of the classification study request is to bypass the normal procedures applying to promotions or demotions, no reclassification recommendation will be made. Individuals or groups of employees within the same classification within the same division who believe they are regularly

assigned work beyond the scope of their classification, or the Union representative on their behalf, may submit written requests for classification review of their positions to the Human Resources Office during the month of December. Members of classifications which have been studied the past year or are scheduled for study within a year may not submit reclassification requests.

The reclassification request must specifically identify the duties and responsibilities which the employee(s) believe are not within their present classification(s). Experience in grade is an insufficient basis to warrant a reclassification.

During the month of January, the Human Resources Office will forward reclassification requests to the affected department heads for his/her review and approval for study.

If a request is approved, the department head will, no later than February 1, ask the Human Resources Officer to conduct a classification review. If a request is denied, the department head and Human Resources Officer will meet with the employee and his/her representative to review the decision if so requested.

Human Resources staff will conduct classification studies of approved requests for no more than six (6) individual positions and one (1) group. If a total of more than seven (7) requests are filed, the first seven submitted to the Human Resources Officer and approved by the department head will be studied. The City Manager will be advised of the disposition of the requests and will approve prior to recommendation to the City Council. A copy of the request will be provided to the employee and the Union prior to recommendation to the City Council. Any changes shall be effective upon approval by the City Council.

- B. The classification of the employee will normally be changed along with the reclassification of his or her position, if the request is approved by the Department Director and Human Resources Officer. These actions are normally reviewed no more than twice a year during the budget process and mid-year budget review, and require approval by City Council.
- C. A reclassification is not simply a change in title and/or salary. It reflects a change in the duties and responsibilities of the position and must conform to an existing class or will require a new class specification.
- D. Reclassification is generally necessitated through organization modification. Generally, reclassification will result from:
 - 1. Significantly changed duties and responsibilities, necessitating a modification of the pay range and title of the position.
 - 2. Reorganization of a department, or division of a department, whereby the requirement for the particular classification no longer exists.

- E. Reclassified employees are not required to serve a probationary period.
- F. Reclassified employees will be assigned to a step in the new classification pay range using the rules of promotion or demotion. For staff members who compensation adjustment results in Step 1 of a new range, they are entitled to an evaluation and possible increase to Step 2 at the six month evaluation period. These adjustments do not adjust step advancement for employees upon reaching their anniversary date. For example, as a result of the classification change in February, an employee is at Step 2, and should that individual be eligible for an annual performance appraisal in March of the same year, that person can be moved to Step 3 of the new range upon satisfactory performance appraisal. This guideline applies even in the case of individuals who moved to Step 1 provided their anniversary date falls prior to the six-month first anniversary adjustment. Specifically, for those in Step 1, the adjustment in compensation comes either after six months or upon the anniversary date, whichever comes first.

3.10 **Effect of Downward Reclassification on the Employee**

Upon the reclassification of a position from one class to a lower class and with the approval of the City Manager, the affected employee may be "Y" rated. "Y" rating is a procedure by which an employee remains at this/her current rate of pay until such time as the rate established for the new lower paid classification reaches the employee's salary.

SECTION 4: EMPLOYMENT POLICIES, APPLICATIONS, EXAMINATION, AND APPOINTMENTS

4.1 Employment Policies

- A. **Objective:** The underlying objective of the City's employment policy is to serve the whole community by reaching and considering all segments of the population through a positive recruitment program, and by recruitment of personnel who are capable of making a distinct contribution to the effective operation of the City government.
- B. **No Discrimination:** The City of Salinas is an equal opportunity employer. There shall be no discrimination in favor of or against any person seeking employment with the City of Salinas. Specifically, there shall be no discrimination because of a person's political or religious affiliation or belief, non-affiliation or non-belief, race, color, age, sex, sexual orientation, national origin, disability, marital, or military status (past or present).
- C. **Career Development:** It shall be the policy of the City to provide entry level positions leading to progressive career Employment in local government by providing for in-service training, off-duty academic opportunities, broadened work experience, development of occupational talents and general preparation for advancement.

4.2 Certification Procedures

- A. Whenever a Department Director desires to fill a position, he or she will submit a Hiring Request form to the Human Resources Division. After a review and approval of the request, the Human Resources Division shall certify the names of qualified candidates on a current eligibility list to the department for consideration along with names of other eligibles available in accordance with Section 5.2 of these rules.
- B. Certification will normally be accomplished by placing candidate scores alphabetically into bands to differentiate their relative performance. Other certification procedures may be used at the discretion of the Human Resources Officer for entry level positions. The status considered in filling the vacant position will be as outlined in Section 5 of these regulations, thus encouraging the City's policy on equal employment and career development. If, in the opinion of the Department Director and Human Resources Officer, qualified candidates are not available, the Human Resources Division will proceed to conduct a recruitment program to establish a new eligibility list.

4.3 Announcements

The Human Resources Division will prepare recruitment announcements containing a job summary of experience and education desired and other essential information about the

position. Public notice of vacancies shall be posted in a conspicuous place in the applicable City buildings and positive steps shall be taken to assure that all segments of the community receive adequate information. Outside recruitment sources shall be selected by the Human Resources Division according to the level of job, difficulty in recruiting, applicable labor market and Personnel rules.

4.4 **Applications**

All persons applying for positions in the classified service, or for temporary, or part time hourly jobs, will be required to complete an employment application and any required supplemental application provided by the Human Resources Division.

4.5 **Applicant Testing**

- A. **Types of Examinations.** Examinations held to establish a list of eligible candidates for any class shall consist of one or more of the following parts, as determined by the Human Resources Officer. The Human Resources Officer shall be responsible for administering unbiased, job-related examination procedures to determine the relative fitness of applicants, and shall determine the relative weights of the components of the testing procedure.
1. **Written Tests.** Written tests shall be designed to measure the various knowledge, skills, and abilities necessary to perform the particular job. All tests will be job-related.
 2. **Oral Examinations.** Oral examinations shall include a personal interview with candidates for those classes where the ability to deal with others or to meet the public, or other personal and technical qualifications is best measured through the interview process.
 3. **Performance Tests.** Performance tests shall include tests to determine the abilities and manual skills of candidates to perform the specific tasks required by the position.
 4. **Physical Capability Tests.** Physical capability tests shall consist of tests, appropriate for the position applied for, of bodily condition and coordination, muscular strength, agility, stamina and physical fitness of candidates.
 5. **Other Tests.** Other types of selection devices may be used. These may include, but are not limited to application appraisals, supplementary applications, appraisals of promotability, and assessment centers.
- B. **Training and Experience.** For certain positions, applicants may be required to indicate possession of necessary training and/or experience. This information shall be supplied by the applicant in his or her application form or by providing supplementary data when required.

C. Scoring of Tests. Sound measurement techniques and procedures shall be used in scoring the results of these tests and in determining the relative ranking of the candidates. Candidates may be required to attain a minimum score by which eligibility may be achieved shall be established by the Human Resources Officer. The Human Resources Officer will consider a variety of factors in setting the minimum passing score including relative performance of the candidates and difficulty of the test.

4.6 Notification of Applicants

Each person who takes an examination shall be notified that he/she has been placed on the eligibility list or of his/her failure to obtain a place on the list. It is City policy not to release scores to candidates, however placement on the appropriate "band" will be provided. Banding shall be 70-79 is C band, 80-89 is B band and 90-100 is A band. In order to provide the Department a choice in their selection, the next band will be certified if only one candidate is in the higher band.

4.7 List Duration

Eligibility lists shall normally remain in effect for one year, but may be extended for up to an additional year with the extension in increments of less than one year as requested by the Department Director, or abolished based on the needs of the City as determined by the Human Resources Officer.

4.8 Pre-hiring Policies and Procedures

Prospective employees shall be cleared for employment pursuant to Administrative Memorandum 87-5 or its revisions.

4.9 Types of Appointments

Candidates may be employed in categories outlined in Section 303 of the Personnel Resolution.

4.10 Employment of Relatives

The following policies shall govern the employment of family members of any official or employee of the City. Consistent with these rules, the Public Safety Departments will follow their established internal policies for purposes of employment of relatives.

A. Family members of the City Manager, Deputy City Manager, City Attorney, Department Directors and City Council members are not eligible for employment by the City in any paid position. This provision does not prohibit a family member from performing unpaid volunteer duties for the City.

B. Family members of City employees or appointed officials (other than those in 4.10A above) may be employed with the following restrictions:

1. Family members may work within the same department, but not within the same division or in any relationship that involves either direct or indirect supervision on a permanent or temporary basis. In the line of duty whereas supervision of relatives is necessary on a case by case basis will not be considered a violation of this section. Temporary supervision excludes an occasional supervisory relationship of one (1) day or less that is not on a frequent basis. Frequent is defined as not more than once per quarter. This subsection shall not apply to temporary/ seasonal part-time employees unless a supervisory relationship will be created by the employment.
2. Family members may not work in positions, even in different departments, where they could conceivably collaborate to embezzle City funds.
3. Family members of appointed officials may not be employed in a department within the sphere of influence of the advisory body of which the appointed official is a member. Family members of appointed officials who are in the City's employment on the effective date of the adoption of these Rules shall not be affected by this provision, limited to their present relationships, during the term of the appointed official. Further, family members of appointed officials shall not be affected by this provision during any subsequent re-appointment of the appointed official, so long as:
 - a) the appointed official was serving in the position at the time these Rules were adopted and effective, and
 - b) the appointment is to the same advisory body and only continues the service of the appointed official from the effective date of these Rules. This subparagraph 3 does not apply to temporary/seasonal part-time employees. It is the intent of this provision that family members of appointed officials may be employed in such temporary/seasonal positions.
4. The provisions of this Section shall not affect personnel who are in the City's employment on the effective date of the adoption of these Rules, limited to their present relationship. Any change in position of one of these employees must be approved by the City Manager or designee prior to appointment as a precaution against potential conflict.

C. For purposes of this Section, "family member" shall include spouse, significant other (individuals who have or have had a continuing relationship of a romantic or intimate nature), domestic partner, former spouse, grandparent, grandchild, parent, child, adopted child, brother, sister, aunt, uncle, first cousin, niece, and nephew, and all of the above include in-law and step relationships.

SECTION 5: PROMOTIONS, TRANSFERS, DEMOTIONS AND RE-EMPLOYMENT WITHIN THE CLASSIFIED SERVICE

5.1 Filling Vacant Positions

All vacancies in the classified service shall be filled in accordance with these regulations. Whenever a Department Director desires to fill a vacant position, he or she shall notify the Human Resources Division, which shall certify to the Department Director the names of qualified candidates who have been examined in accordance with Section 4.2 of these regulations. All regular appointments require the approval of the City Manager.

5.2 Consideration in Filling Vacant Positions

Department Directors and the Human Resources Division will consider two priorities in filling vacant positions. Laid-off employees shall be considered first priority. All other employees and eligibles shall be considered equally as a second priority. That is, transfers shall be interviewed, but the Department Director has options to choose among transfers, re-employment requests and appointment eligibles.

- A. Laid-off Employees. Employees with regular status who had a satisfactory employment record, who have been recommended for re-employment, and who were separated from the City service through no fault of their own, shall have first priority for hiring for a period of not more than two years following the date of layoff.

The following categories will be considered equal in filling a vacant position

- B. Transfers. Employees may request transfer from their classification in one department to the same classification or similar if approved by the Human Resources Officer, in another department. (Pers. Resolution Section 306.) Employees requesting transfer will be interviewed by the department with the vacancy. Transfers require the approval of both Department Directors.
- C. Re-appointment. Employees who held regular status in the classified service, and resigned in good standing, may request reappointment within one year from the time they resigned, if they have been recommended by the affected Department Director for reappointment.
- D. List Eligibles. Includes those candidates whose names are on entry and/or promotional eligibility lists.

5.3 Promotional Policy

Vacant positions in the classified service above the lowest rank in any classification series shall be filled as far as practicable by the promotion of employees in the classified service. In each case the Human Resources Officer shall determine whether an open competitive examination or a promotional examination will best serve the interests of the service in attracting well qualified candidates.

Provided that there are at least two qualified City employees in the opinion of the Department Director and Human Resources Officer, and there is reason to believe there are no better qualified applicants in the labor market, recruitment will then be conducted on a closed promotional basis open only to regular city employees. Promotional exams will follow regular applicant procedures (4.6).

A. Limited Open Recruitment

In order to benefit both the City and its temporary employees (including Salinas Service crews, Conservation Corps or other employees placed with the City for the purposes of training, but excluding volunteers), a “Limited Open Recruitment” process may be utilized for the following entry level positions:

- | | |
|-----------------------------|--|
| Clerical Positions: | Account Clerk I/II
Administrative Clerk I
Library Aide
Library Page
Permit Center Clerk |
| Maintenance Positions: | Public Service Maintenance Worker I
Neighborhood Services Worker
Park Maintenance Worker I
Community Facility Service Worker
Vehicle Maintenance Assistant |
| Planning Services Position: | Planning Technician |
| Engineering Position: | Engineering Aide I/II |
| Public Safety Positions: | Animal Services Office Assistant
Police Clerk
Public Safety Facilities Worker
Community Service Officer |
| Recreation Position: | Recreation Assistant |

B. Procedures

If no current eligibility list exists for a position listed above, a Department Director may request a Limited Open Recruitment if, in the opinion of the Department Director and the Human Resources Officer it is in the City’s best interest to limit the recruitment to internal applicants.

A Limited Open Recruitment will be open only to current temporary employees prior to posting an Open Recruitment. If, in the opinion of the Department Director and Human Resources Officer, there are insufficient applicants to conduct a competitive exam process, an Open Recruitment will be posted and any

applications received under the Limited Open Recruitment will be included in the Open Recruitment process.

A Limited Open Recruitment process may be used solely at the City's discretion for the entry level positions listed above and is not subject to the grievance process.

Whenever the Human Resources Officer determines that a promotional examination is to be held, notice of such examination shall be published and posted in prominent locations in all work areas throughout the City. It shall be the responsibility of the Department Directors to see that eligible candidates have access to such notice.

- C. Salary placement upon promotion shall follow the established City Code. However, in no case shall the employee who received the promotion receive less compensation than before the promotion.

5.4 **Transfers**

Any employee in the classified service who has successfully completed his/her probationary period may transfer or be transferred by the Department Director to a position in the same or similar class within the department or in a different department without serving another probationary period. An employee desiring to be transferred should make his/her request in writing to the Human Resources Officer. As vacancies occur in other departments to which he/she would be eligible for transfer, his/her name will be submitted to the Department Director for consideration separately or along with names from an appropriate eligible list.

5.5 **Demotions (Non-Disciplinary)**

An employee may be demoted to a position in a lower class for which he/she is qualified for any of the following reasons:

- A. When an employee would otherwise be laid off because: his/her position is being abolished; lack of work; lack of funds; or because of the return to work from authorized leave of another employee to such a position in accordance with the rules on leave.
- B. When a promotional probationary employee does not possess the necessary qualifications to render satisfactory service in the position he/she holds.
- C. When an employee voluntarily requests such demotion.

All demotions must be approved by the City Manager. If the employee is demoted against his/her will for disciplinary reasons, he/she may appeal using the procedures outlined in Section 8 of this manual.

The City Manager will include salary considerations on all non-disciplinary demotions. In most cases the salary to be paid will not exceed 4th step of the class to which demoted.

The Manager may consider a 5th step or “Y rate” recommendation from the Human Resources Officer if the best interests of the City and the employee warrant such action.

5.6 **Re-Appointment**

An employee who has resigned with a good record may be re-appointed, if a vacancy exists, to the same or a similar position in the same department from which he/she resigned within one year of the date of resignation, without qualifying in a competitive examination. This is known as re-appointment. Request for approval of the action must be submitted to the Human Resources Officer in writing giving name, title, salary, date of resignation, and date of proposed re-appointment.

An employee may be re-appointed at the same step in the pay range which he/she had received, or may revert to a lower step within the range at the discretion of the Department Director and with the approval of the City Manager. He/she may be re-appointed at a higher step if sufficient justification exists and with the approval of the City Manager. The re-appointment cannot be made if the department has a layoff list for the position.

Re-appointed employees are considered new employees for purposes of vacation, sick leave, annual leave and salary increases. Re-appointment does not require a new probationary period.

Employees restored to duty after military service are not re-appointed in the sense of this rule. They retain all privileges in accordance with State and Federal Law.

SECTION 6: PROBATIONARY PERIOD

6.1 Nature Purpose and Duration

All individuals appointed to regular positions shall serve a probationary period of six 6 months, except as provided in this subsection. Newly hired Police Officers shall serve a probationary period of 12 months; Lateral transfer Police Officers shall serve a probationary period of 12 months; Newly hired Firefighters shall serve a probationary period of 12 months. Promoted employees shall serve a six (6) month probationary period in all classifications.

The probationary period shall be an essential part of the selection process, and shall be utilized to determine whether the new employee is able to effectively perform the duties of the new position. Previous employment of any sort prior to appointment shall not reduce the probationary period.

A probationary period may be extended for a period not to exceed six (6) months, if recommended by the Department Director and deemed appropriate by the Human Resources Officer. Employees whose probation is extended shall be notified by the Department Director of the reasons for such action. Extension of probation is not subject to any appeal procedures and is not considered disciplinary in nature.

6.2 Recommendation for Completion of Probationary Status

Completion of probationary status usually would take effect following the date ending the probationary period, provided that the Human Resources Officer has a written statement from the Department Director that the services of the employee during the probationary period have been satisfactory and that the employee is recommended for regular status. It is the responsibility of the Department Director to notify the Human Resources Officer of his/her recommendation regarding the probationary employee's status prior to the end of the probationary period. If it is determined that the services of the probationary employee have been unsatisfactory, the Human Resources Officer shall, whenever possible, notify the employee in writing at least 14 calendar days in advance of the date that his/her services are to be terminated. An employee who passes probation shall also be notified.

No probationary employee shall change status until the change is authorized by the City Manager. If the Department fails to reject, accept or extend a probationary employee, it shall be deemed an acceptance and the employee shall be considered to have passed probation.

6.3 Appointments to Higher Class During Probation

The serving of an original probationary period shall not, of itself, prevent an employee from being appointed to a position in a higher class, provided that he or she is certified from an appropriate eligibility list for such higher class. If an appointment is made in this manner during a probationary period, the probationary period for the new class or position to which the employee is appointed shall begin with the date of appointment to such latter class or position.

An employee serving a probationary period shall be eligible to apply for a promotional eligibility test if other eligibility criteria are met.

6.4 **Transfer During Probation**

An employee shall not be transferred during his/her probationary period.

6.5 **Rejection During Original Probation**

At any time during an original probationary period or extension thereof, an employee may be rejected without right of appeal or hearing unless otherwise provided for by the appropriate memorandum of understanding.

6.6 **Rejection of Promotional Probationary Employee**

A regular or regular part-time employee who has passed an original probationary period and is serving a promotional probationary period may be rejected without right of appeal. Upon rejection, such employee may be returned to the original or equivalent position held prior to the promotion.

6.7 **Accrual of Fringe Benefits**

This section applies to only new employees serving an original probationary period. Temporary or part-time hourly employees are not eligible for this section.

- A. Vacation and sick leave and/or annual leave accrue on a bi-weekly (pay period) basis, as long as the employee is in a paid status during the pay period.
- B. In computing length of service for step advancement purposes, service starts accruing from the initial date of appointment in the job classification.
- C. Probationary employees may enroll in the health and related insurance programs on the first day of the month after their appointment. Enrollment date eligibility is governed by the applicable policies or provisions. IAFF Local 1270 maintains their health insurance benefits and criteria for eligibility.
- D. Probationary employees are covered by PERS and shall be enrolled immediately on appointment.
- E. Management leave, flex leave, holidays and floating holidays may be taken during probation. Use of sick or annual leave is permitted only after successful completion of six months of service unless prior approval is received from the Department Director and City Manager.
- F. Funeral/Bereavement leave – funeral or bereavement leave shall be allowed for probationary employees.

SECTION 7: EMPLOYEE CONDUCT

7.1 Employee Conduct Generally

The expected standard of conduct for all employees in the service of the City shall be in the public interest as opposed to individual interests. Therefore, in order to render the best possible service to the general public and to reflect credit on the City service, high standards of conduct are deemed essential. The tenure of every employee shall be conditioned on acceptable conduct and satisfactory performance of duties.

7.2 Attendance Requirements

The hours during which offices shall be open for business shall be determined by the departments with City Manager approval. All employees shall be in attendance at their regular work station in accordance with these rules and with general departmental regulations.

7.3 Outside Employment

“Outside Work” shall be defined as any kind of employment or self-employment for which pay is received, whether by salary, wages, commission, or by a sale, if such work is carried on in addition to full-time City employment, regardless of the number of hours worked. No Regular employee of the City may engage in employment outside his/her official hours of duty unless approved by the City Manager. Approval will be based on whether outside employment will cause or can cause a conflict of interest, and whether such outside employment will adversely affect the employee's position or efficiency on the City job. Individuals temporarily disabled from performing in their capacity with the City who wish to continue or to pursue outside employment must have specific authorization from the City Manager as provided for in Resolution Section 1301. Failure to disclose may be deemed to be a disciplinary matter.

A. Conditions of Outside Work

1. No employee will be permitted to work in a non-City capacity, as defined above, more than an average of 16 hours in any seven consecutive days. With the exception of IAFF Local 1270 and FSA members who are not restricted to the 16 hours.
2. All applicable laws, such as zoning and licensing codes, shall be obeyed.
3. Any permit will be subject to review and may be revoked at any time in the best interests of the City.
4. Approval for outside work must be renewed annually.
5. If employee is on Industrial Leave, additional consideration and approval is required.

B. Procedures

The employee shall submit an application to his/her Department Director for review of outside work. If the Department Director approves the outside work request, it then shall be forwarded to the Human Resources Officer for review and to the City Manager for approval. Factors considered in granting outside work requests include, but not limited to, the following:

1. It is not incompatible with the employee's City work, or with his/her expeditious return to City work.
2. It in no way detracts from the efficiency of the employee in his/her City work.
3. There is no conflict of interest between the City work and the outside work.
4. It is not a discredit to his or her City employment.
5. It does not conflict with requirements of those employees who are on an emergency call or standby basis.
6. The employee is not committed to specific scheduled hours and days of work by his or her outside employment that would conflict with his/her City job.
7. It is clear to the employee that in any situation wherein extra duty will be necessary in his/her City work, such extra duty will take priority over his/her outside work.
8. The employee understands each of the conditions under which the permission is granted.

7.4 Political Activity

No employee will directly or indirectly solicit or receive political funds or contributions from other officers or employees of the City of Salinas during working hours, nor will an employee allow anyone to enter into City buildings under his or her control for the purpose of conducting political assessment, subscription, or solicitations. No employee will use his/her official authority or the prestige of his or her position on behalf of a candidate, officer, or political party. No employee will participate in political activities of any kind during working hours.

7.5 Improper Employee Conduct

The term "improper conduct" shall mean any improper action by an employee in his/her official capacity, any conduct by an employee not connected with his/her official duties tending to bring the City service into discredit or to affect the employee's ability to perform his/her duties officially, or any improper use of his/her position as an employee for his/her personal advantage. Improper conduct includes, but is not limited to, the following:

- A. Fraud in securing appointment, including falsifying or omitting information on the employment application.
- B. Conviction of a felony or conviction of a misdemeanor involving moral turpitude. A plea or verdict of guilty, or a conviction following a plea of nolo contendere, to a charge of a felony or any offense involving moral turpitude is deemed to be a conviction within the meaning of this section.
- C. Unauthorized consumption of intoxicating beverages, use of controlled substances, or being intoxicated, while on duty.
- D. Insubordination, willful disobedience, disloyalty, or dishonesty.
- E. Discourteous or offensive conduct or language toward the public or towards fellow City employees or officers thereof.
- F. Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to the agency or employment.
- G. Inefficiency or incompetence.
- H. Inattention to or willful neglect of duty, excessive or repeated tardiness, indolence, carelessness, misuse of or damage to, or negligence in the care and handling of City property.
- I. Unauthorized absence from duty or duty station.
- J. Improper or unauthorized use of City vehicles or equipment.
- K. Claim of sick leave under false pretenses, malingering, or other misuse of sick leave.
- L. Outside employment not specifically authorized, or failure to obey an order from the City Manager or Department Director to terminate or desist from outside employment or enterprise that has not been approved or has been determined to be incompatible with City employment or detrimental to the efficiency of his/her regular work.

- M. Failure to pay or to make reasonable provision for future payment of lawful debts due or owing when such behavior adversely affects City operations or the job performance of the employee.
- N. Absence from duty with out leave, or failure to return to work after leave of absence has expired or has been disapproved or revoked or cancelled by proper authorities.
- O. Willful violation of any of the provisions of the City Charter, Ordinances, these rules, or any rules or regulations which may be prescribed by the City Manager or a Department Director.
- P. Improper political activity.
- Q. Acceptance of a gift, or other form of remuneration in addition to regular compensation, by an employee for the performance of his her duties, from any source whatsoever. Specific questions regarding the acceptance of a gift are to be referred to the Human Resources Officer.
- R. Solicitation in an official capacity or as an employee of the City of the public for money, goods, or services not specifically authorized by the City Manager.
- S. Violation of the Safety Policy as outlined herein, or in Administrative Memorandum 87-1.
- T. Breach of confidential information or status.

Improper conduct may be grounds for disciplinary action up to and including discharge from employment.

SECTION 8: DISCIPLINARY ACTION

8.1 Purpose

The principal objective of any disciplinary action shall be to improve the performance, and efficiency, of a City employee. Any action by an employee which reflects discredit on the City, or is a direct hindrance to the effective performance of City government functions, constitutes improper employee conduct and shall be considered cause for disciplinary action.

8.2 The Supervisor's Role in Disciplinary Action

- A. Prevention of Disciplinary Problems. It is essential that supervisors protect the important investment the City has in its employees. Therefore, a supervisor is responsible for providing employees under his or her supervision with the following:
1. Proper Job Introduction. Provide both new employees and employees assigned to a new job with the proper job description, introduction, and orientation.
 2. Keep Employees Informed. Make sure that all employees get needed information. Bulletin boards alone are not enough to perform this job. Changes in policies and procedures, vacation, sick leave, working hours, benefits and so on, must be made available to employees.
 3. Let Employees Know Where They Stand. Discuss an employee's performance with him or her so that the employee knows what is expected and whether or not he or she is doing a good job. If improvement is needed in some area, the employee should be advised of it.
 4. Encourage Suggestions. Be receptive to employee suggestions by showing the employees that the department is interested in them, thus bringing fresh ideas into the organization.
 5. Provide Proper Tools for the Job. Insure that employees are not forced to do their jobs with makeshift, inappropriate, or inferior tools or equipment, unless it is an extreme emergency.
 6. Provide Everyone with Equal Opportunity. Whenever possible, on-the-job training opportunities will be provided by the supervisor for all who are interested in acquiring additional skills so that there will be qualified employees available when a vacancy exists.
- B. Steps Leading to Disciplinary Action. Whenever an employee's performance, work habits, or personal conduct fall below the desired level, the supervisor shall inform the employee promptly and specifically of such lapses and shall give

counsel and assistance. The supervisor shall inform the employee, verbally or in writing, of his/her perception of the problem, and the means the employee may take to rectify the situation. If appropriate and justified, in the opinion of the Department Director, a reasonable period of time for improvement may be allowed before initiating disciplinary action.

Since most disciplinary action starts with the immediate supervisor, the supervisor is required to observe the following steps.

1. Prompt Action. Prompt action by the supervisor to properly tie the discipline to the offense.
2. Get the Facts. If disciplinary action seems to be in order, the supervisor must have the facts establishing that violation of procedures or policy has been committed.
3. Write it Down. The supervisor can either make an informal note of the time and place of the incident, or write an official reprimand. In the first instance, the note can be used by the supervisor during the employee's yearly performance evaluation, and in the latter case, copies of the official reprimand will be forwarded to Human Resources to be placed in the employee's file and a copy given to the employee.
4. Talk with the Employee. In all cases, the supervisor is responsible for personally communicating the reasons for disciplinary action to the employee.

8.3 Progressive Disciplinary Action

The following are examples of types of corrective action. Supervisors will utilize appropriate progressive discipline steps. In the case of employees covered by the Public Safety Officers' Procedural Bill of Rights, that State law will be followed.

- A. Oral Warnings and Reprimands. When a Department Director, or designee, determines more severe action is not immediately necessary, supervisors or Department Directors should communicate to the employee orally and document the dates and nature of the deficiency or problem observed.
- B. Written Reprimands. If the deficiency or problem continues or is serious enough in its initial incidence the Department Director or his/her designee must prepare and serve a written reprimand. The date, time and circumstances of the written reprimand should be recorded separately so to be available for future reference. Written reprimands will be forwarded to the official personnel file. Oral warnings and written reprimands are rebuttable by the employee. Oral warnings or written reprimands are not grievable.

C. Notice of Performance Deficiencies. Whenever a Department Director, or designated supervisor, after oral warnings and/or written reprimands, observes that an employee's work performance or conduct is not satisfactory, he/she may recommend to the City Manager that the employee be notified that severe disciplinary action will result if performance/conduct does not improve. Such notice and subsequent special evaluations will be filed in the official personnel file. The employee may rebut such evaluations but they shall not be grievable or appealable.

D. Suspension.

1. Suspension After Due Process

A Department Director may recommend to the City Manager the suspension of an employee without pay for a period of time he/she feels is appropriate, depending upon the circumstances. The maximum suspension without pay will be 60 working days. The City Manager is the approving authority. Vacation, sick leave or annual leave will not accrue during a period of suspension. The procedures relating to disciplinary action imposition and appeals outlined in Section 8.5 shall be followed.

2. Administrative Removal With Pay

A Department Director has the authority to immediately suspend an employee with pay by placing him/her on an Administrative Removal with Pay if it is deemed necessary in order to maintain the safety of the community or the reputation, morale and harmony of the organization. Such suspensions may be made for the purposes of:

- a. Immediate suspension with pay is authorized removal when the employee's continued presence at the work site could have detrimental consequences.
- b. Administrative removal with pay is also authorized, pending investigation into charges of misconduct on the part of the employee.
 - 1) Suspensions pending investigation are not subject to appeal.
 - 2) If the charges against the employee are substantiated by the investigation, appropriate disciplinary action may be taken. The procedures relating to disciplinary action in position and appeals outlined in Section 8.5 shall be followed.

E. Reduction in Pay. A Department Director may recommend reduction in pay step for an employee. The procedures relating to disciplinary action imposition and appeals outlined in Section 8.5 shall be followed.

- F. Demotion. A Department Director may recommend demotion of an employee to a lower classification. The City Manager is the approving authority. The Department Director shall notify the employee in writing of the reasons for the demotion and a file copy shall be placed in the employee's personnel file. The procedures relating to disciplinary action imposition and appeals outlined in Section 8.5 shall be followed.
- G. Discharge. A Department Director may recommend discharge for cause of any regular employee or without cause for any probationary employee under his or her jurisdiction. The City Manager is the approving authority. The City Manager shall notify the employee in writing of the reasons for the discharge and shall file a copy in the employee's personnel file. The procedures relating to disciplinary action imposition and appeals outlined in Section 8.5 shall be followed.

8.4 Appeals from Disciplinary Action

- A. Who May Appeal Disciplinary Action. Any regular employee including probationary employees may appeal disciplinary actions. Temporary and part-time hourly employees have no rights of appeal.
- B. What Disciplinary Actions Can be Appealed. Disciplinary action which results in loss of salary or of regular status may be appealed, with the exceptions noted in subsection C, below.
- C. What Actions Cannot be Appealed.
1. Return to former class while on probation due to promotion.
 2. Demotion due to reclassification or for the reasons set forth in Section 5.5 of these regulations.
 3. Oral warnings or reprimands and written reprimands.
 4. Notice of Performance Deficiencies.
 5. The withholding of a step increase, as provided for in Municipal Code Section 25-4.
 6. Release during probationary period.
- D. Manner of Appealing Disciplinary Actions. Disciplinary actions may be appealed as authorized by appropriate City appeals procedures as outlines in Section 8.5 herein.

Disciplinary Action Imposition and Appeals Procedure

Disciplinary action in excess of oral or written reprimand may be imposed upon an employee upon the recommendation of the employee's Department Director to the City Manager, using the following procedures.

- A. Recommendation For Disciplinary Action. The Department Director shall give written notice to the City Manager of the cause or causes or the intended action, together with a narrative written statement of the facts purporting to establish the basis for the action as recommended. Such notice and facts shall be reviewed by the City Attorney and Human Resources Officer before presentation to the City Manager.

- B. City Manager Notice of Intended Disciplinary Action. The City Manager or designated representative shall inform the employee in writing of the proposed disciplinary action and the charges upon which it is based. The employee shall be provided with copies of the relevant documents at least seven (7) calendar days prior the effective date of such action. The documents will be personally served on the employee or if that is not feasible, sent by certified mail to the address on file with the employee's department. The employee shall be informed that he/she has the right to respond to the charges verbally or in writing. Within seven (7) calendar days from the date of the notice, the employee may request or may waive a hearing by notifying the City Manager or his designated representative in writing of his/her request for a pre-disciplinary due process meeting, or the opportunity for such hearing is waived.

- C. Pre-Disciplinary Due Process Meeting. If the intended action is appealed by an employee within the proper time frame, the City Manager or his designated representative shall conduct an informal meeting to allow the employee to respond to the charges made. Such due process meetings will be closed to the public. Continuances of times set for the pre-disciplinary due process meeting are not favored by the City and will be granted by the City Manager only upon showing of good cause.
 1. The City Manager or designated representative shall give notice to the employee and to his/her Department Director of the time and place of such meeting at least 7 calendar days in advance of the time fixed for such meeting. For the purpose of this rule, the date of giving of notice shall be either the date that the notice was personally served upon the employee or the date that such notice was placed in the course of transmission of the United States Postal Service.

 2. The employee may present information and respond to questions personally or through a representative retained at the employee's own expense.

3. The City Manager or his designated representative shall chair the meeting. The chair shall base his/her findings upon the written statement of charges and upon information presented at this meeting. The chair may conduct further investigation after the meeting provided that the employee is given an opportunity to respond to such further information before the chair reaches a conclusion. If the chair finds that there is reason to support the charges as made, and that disciplinary action is warranted, he/she shall recommend that the City Manager approve or modify the recommended action by increasing or decreasing the severity of the action as proposed.
4. The City Manager shall give the employee, the Department Director, and the Human Resources Officer written notice of the decision which was reached. The disciplinary action shall take effect at the time specified in the notice to the employee.
5. The decision shall be final and conclusive in the absence of an appeal to the Grievance Board, initiated in the time and manner hereinafter provided.
6. If the employee fails to notify the City Manager or his designated representative of his/her request for a hearing or waiver of same as outlined in this section, the disciplinary action will be imposed as recommended and on the specified date.
7. The City Manager has delegated the steps outlined in Section 8.5 to the Chief of Police as the City Manager's representative to facilitate the process for police department disciplinary actions. The Chief of Police will review such action with the City Attorney and Human Resources Officer before implementation.

8.6 **Grievance Board Hearing/Finding**

- A. If an employee who has had a pre-disciplinary due process meeting wishes to appeal the decision of the City Manager further, he or she may request to be heard by the Grievance Board, within 21 calendar days of receipt of the decision of the City Manager. Continuances of times set for hearing are not favored by the Board and will be granted only upon showing of good cause.
- B. At the time set for such hearing, the Board shall hear and consider the evidence presented which constitutes the grounds for the disciplinary action taken. The employee personally, or through a representative or an attorney employed by him or her at his or her expense, shall be given the right to question any witness called. Thereafter, the employee shall be given an opportunity to present any relevant evidence and be heard, personally or through his or her representative. Such hearings are open to the public unless the employee specifically requests a closed hearing.

- C. The record from the informal pre-disciplinary meeting, including any written decision, and documents from the employee's personnel file shall be admissible if relevant. Proceedings before the Board need not be conducted in strict conformity with the rules of evidence as applied in a court of law, and hearsay may be admissible, to the end that the matter may be fully heard and determined upon reliable evidentiary matter.
- D. The City Attorney may advise the Board on all questions pertaining to procedure in connection with hearings held before the Board, provided that the Board shall retain the right to decide procedural issues.
- E. The Board will report its findings and conclusions to the appellant, the City Manager and City Council. The decision of the Grievance Board shall be directly appealable to the City Council.

8.7 Appeal to the City Council

- A. The Grievance Board's determination may be appealed to the City Council by addressing a communication to the Mayor within 14 calendar days after the final determination of the Grievance Board has been released.
- B. The City Council will schedule the appeal for consideration as soon as reasonably possible after receipt of the request.
- C. Council review shall be based on the record of the proceedings before the Grievance Board and the final determination of the City Manager.
- D. Each party may submit written arguments to the Council. The written argument shall not exceed seven 8 ½ by 11 inch typewritten pages, and shall be submitted at least seven (7) calendar days before the hearing for inclusion in Council agenda materials. If such written argument is not received within this time frame it shall be deemed waived.
- E. Each party shall be allotted fifteen minutes for presentation of the oral argument to the Council.
- F. The Council may affirm, reverse or modify the decision of the Grievance Board.
- G. The decision of the City Council shall be final when made.
- H. No action shall be brought in superior court to challenge the City Council's decision more than 90 days after the City Council decision becomes final.

SECTION 9: SEPARATION: RESIGNATION, LAYOFF, DISABILITY, DEATH, RETIREMENT AND DISCHARGE

9.1 Rights of Employees

Regular employees who separate from City service shall receive payment for all earned salary, accrued compensatory time, and accrued annual leave for which the employee is eligible. Such payments shall be subject to deductions for any indebtedness pursuant to these regulations.

9.2 Employee Property Clearance/Exit Interview

Department Directors will certify that all records, assets, and other items of City property in the custody of separating employees have been returned to the City. Employees will show a clearance form prior to receiving their final check from the Finance Department. Any amount due because of a shortage of items in the employee's custody shall be withheld from the employee's final check or collected by other appropriate action. The Human Resources Officer or designated representative shall conduct an exit interview.

9.3 Resignations

An employee may resign from the service by presenting his/her resignation in writing to the Department Director. To resign in good standing, an employee must give the Department Director at least two weeks' notice, unless because of extenuating circumstances the Department Director agrees to permit a shorter period of notice. The Department Director will "act in reliance" of resignations by promptly initiating a personnel action form and hiring request form.

9.4 Layoff

This provision would apply for any bargaining unit that does not have a negotiated agreement in effect. When it is necessary for one or more employees performing services in the same class series (such as Public Service Maintenance Worker I and II) in a City department to be laid off for lack of work, purposes of economy, or curtailment of positions due to reclassification action, the order of layoff shall be as follows:

- A. Temporary employees, in the order to be determined by the appointing authority.
- B. Probationary employees (promotional probation excluded), in the order to be determined by the appointing authority.
- C. Regular employees in the order determined by the following lay-off formula:

1. A performance evaluation score will be computed by averaging the last three evaluations received by each employee for service in the affected classification including a performance evaluation made out for all employees being considered at the time of lay-off.

- a. Exceeding job requirements: 3 points
- b. Meeting job requirement: 2 points
- c. Improvement needed: 0 points
- d. Failed to meet job requirements: minus 1 pt.

2. A seniority point score will be established by years of service in the classification as follows:

- a. One to three years: 1 point
- b. Three to five years: 2 points
- c. Five to ten years: 3 points
- d. Ten years or more: 4 points

3. The seniority and performance point scores will be added.

4. The individual with the lowest point score is to be laid off first; the employee with the highest point score shall have first priority in the exercise of bumping rights.

5. In the event employees in the same class have the same point score, the City Manager, after consulting with the involved Department Directors, will indicate the lay-off listing of employees.

6. Transfer to another department in lieu of lay-off is authorized upon approval of the Department Directors, if there is a vacancy and the employee meets the minimum job requirements.

D. Laid-Off Employees on Lay-Off List. The names of employees who have been laid off shall be placed on the appropriate lay-off list. The recall of employees will be in reverse order of lay-off, depending upon City requirements.

E. Appointment of Laid-Off Employee to Lower Class. A Department Director may, with the approval of the Human Resources Officer and, in agreement with the employee, appoint an employee who is to be laid off to a vacancy in a lower class for which he or she is qualified.

F. Employee Reassignments (Bumping Procedure).

1. Employees within a series may bump lower level employees within that series provided that the higher level employee has a higher point score as described in subsection C above, except that in this instance performance and seniority points will be computed over the entire period of City

service rather than as time spent within a particular classification. The term "series" shall mean a group of similar positions ranked from highest to lowest by difficulty and skill level. Example: In the Clerical series -a Secretary may bump an Administrative Clerk II; in the Park Maintenance Series -a Park Maintenance Worker III may bump a Park Maintenance Worker II, etc.

2. Employees within one series may bump lower level employees within a closely related series. The term "related" shall mean requiring the same general knowledge, skills and abilities for a career series. The point system as described in subsection C above shall apply. Example: An Account Clerk II may bump an Administrative Clerk II.
3. In the event an entire division or department is eliminated, an employee holding a Position in the affected area may be reassigned to a lower level position in another department or division, provided that the employee fully meets the qualifications of the lower level position and has a higher point score as described in subsection C above than the employee who will be displaced. Example: A Librarian may be reassigned to a Recreation Leader position. The displaced Recreation Leader would then have bumping rights over lower level Recreation employees as outlined in subsection C above.
4. Levels of positions across functional or departmental lines for purposes of bumping rights will be determined by the City Manager. Such factors as scope of responsibility, salary level, seniority and performance, required knowledge, skills, and abilities, and the overall significance of and necessity for a particular position within the organization will be taken into consideration.
5. Reassignment rights may be exercised only once in connection with any one layoff, and shall be exercised within seven (7) calendar days from the date of the notice of the layoff, by written notice from the employee.
6. The bumping right shall be considered exercised by the displacement of another employee with lesser total service or by the acceptance of a vacant position in the class with the same or lower salary.
7. Full time regular employees shall have bumping rights for either full time regular or part time regular positions.
8. Part time regular employees shall have bumping rights for part time regular positions, only.
9. Notwithstanding the foregoing, if the City Manager determines that the public interest will not be served by application of the above criteria, the

City Manager may depart there from on the basis of a clearly demonstrable superiority in performance and/or qualifications.

10. In the event positions eliminated by a lay-off situation are again created, employees who held those positions but were bumped into lower classifications will be re-employed in a reverse order to which they were bumped depending upon City requirements. An employee's right to re-employment will be within two years of the date of being bumped.
- G. When directed or approved by the City Council, the City retains the right to eliminate a function due to existing or projected circumstances, when such action will be in the best interest of the public. When and if a function is eliminated, affected personnel will be processed in accordance with the lay-off policy and those eligible for reassignment in their present or lower class will be reassigned, if fully qualified.
- H. The City also reserves the right to continue programs and retain temporary and regular employees who are funded from sources other than the general fund. Examples of these programs would be the Block Grant Program (funded by Federal funds) and self-supporting programs such as certain sports programs.
- I. Employment programs with special requirements will be administered in accordance with appropriate Federal or State guidelines and directives.
- J. The City will notify recognized employee organizations prior to implementing any reduction in force.

9.5 **Disability**

An employee may be separated for disability when he or she cannot perform the required duties because of a physical or mental impairment. Action may be initiated by the employee, the employee's legal representative, or the City. In all cases, action must be supported by medical evidence acceptable to the City Manager. The City may require an examination at its expense and performed by a physician of its choice.

9.6 **Death**

Separation shall be effective as of the date of death. All compensation due in accordance with Section 9.1 of these regulations shall be paid to the estate of the employee, except for such sums which by law must be paid to the surviving spouse.

9.7 **Retirement - Regular**

Whenever an employee meets the conditions set forth in the City's applicable retirement plan, he or she may elect to retire and receive benefits earned under that plan. The City expects notice of planned retirement at least 14 days prior to the date anticipated by the employee.

9.8 **Retirement - Disability**

The City shall process any application for disability retirement pursuant to the applicable rules of the City sponsored retirement plan or the Public Employees Retirement System.

9.9 **Discharge**

The City Manager may discharge any employee for reasons which may include, but are not limited to, those items covered in Section 7.5 and Personnel Resolution Section 1103.

Procedures to be followed in the case of discharge or termination are outlined in Section 8 of these regulations.

Prior to the proposed effective date of discharge, the employee may be retained in duty status, placed on leave, or suspended with or without pay at the discretion of the City Manager.

9.10 **Processing Separation Action**

A. City of Salinas Personnel Action Forms are used to process separation actions for all classes of personnel. Along with the Personnel Action Form, the following documents must be submitted to the Human Resources Division:

1. Letter of Resignation. To be submitted with Personnel Action Form in cases of employee resignation.
2. Letter of Intent, Discharge Letter and Substantiating Documents. Documents will normally include copies of unsatisfactory employee performance reviews and letter of notification to the employee if discharge is for unsatisfactory work. Written results of the Department Director's investigation will be submitted with the recommendation discharge.

B. Whenever practical, separation should be effective as of the completion of a normal pay period, and all data pertaining to final pay and accumulation of vacation and annual leave, holiday pay and compensatory time should be included in the regular payroll. Pay for personnel separating will be available on the normal payday, unless prior arrangements are made with the Finance Department.

Pay for personnel discharged for cause may be processed by the Finance Department on the same day as the separation is effective.

SECTION 10: EMPLOYEE GRIEVANCE PROCEDURES

This section establishes administrative policies and procedures of employee grievances in conformance with Personnel Resolution (2000 NCS) Article XII. For definition purposes, a grievance is any dispute concerning the interpretation or application of City of Salinas Municipal Code or the Rules and Regulation governing personnel practices or working conditions.

10.1 Step 1 - Supervisory Review

- A. As a matter of general City policy, supervisors at all levels are expected to provide an open door and a receptive ear for the discussion and review of employee grievances concerning conditions of employment. It is for the mutual benefit of all to resolve the grievance as near as possible to the point of origin.
- B. In the event an employee wishes to lodge a grievance, he or she will, within 14 calendar days of the incident being grieved, discuss subject grievance with his/her immediate supervisor, notifying the supervisor that this discussion is the first step in the grievance procedure. There is no requirement for the employee to submit the grievance in writing at this point.
- C. The supervisor must inform the employee within 7 calendar days of receipt of the notice from the employee of his/her decision on the matter.
- D. These time limits may be extended by mutual consent of the parties concerned. At all steps of the grievance procedure, employees have the right to representation or to self-representation.

10.2 Step 2- Department Director Review

- A. If the grievance is not resolved by the supervisor within 7 calendar days, or if the employee disagrees with the supervisor's decision, the employee may appeal the matter to the division head within 7 calendar days.
- B. At this stage, the employee must submit the grievance in writing, identifying it as such and stating the nature of the complaint. The division head will investigate the grievance and will notify the employee in writing of his decision within 14 calendar days of receipt of the grievance.
- C. If the employee disagrees with the division head's decision, he/she may submit the matter in writing to the Department Director within 7 calendar days.
- D. Where there is no division head, the grievance should be submitted to the Department Director. In lieu of handling the grievance personally, the Department Director may delegate a department grievance review committee or a designee to hear and study the grievance and to recommend appropriate action to the Department Director who will notify the employee in writing of the decision.

and forward a copy of his/her decision to the City Manager (Employee Relations Officer). Normally this action will be accomplished in 14 calendar days unless there are extenuating circumstances, and a reasonable time extension may be granted by mutual consent of the parties concerned.

10.3 **Step 3 - City Manager Review**

- A. If the grievance is not resolved by the Department Director, the employee may appeal within 21 calendar days to the City Manager. The grievance must be in writing and must include the nature of the complaint.
- B. The City Manager, after receipt of the grievance in writing, will render a decision within 21 calendar days, unless there are extenuating circumstances which may require additional time. In this case, the employee will be notified of the situation and will be given the time the decision will be reached.

10.4 **Step 4 - Grievance Board Hearing/Findings**

- A. If the employee is not satisfied with the decision of the City Manager he/she may, within 21 calendar days, submit his/her appeal in writing to the Grievance Board.
- B. The Grievance Board will hear the Grievance at a special meeting which will be held at the earliest date all members of the Grievance Board are available, unless extended by agreement of the parties. At the hearing, the employee involved is entitled to have representation at the employee's expense. Continuances of times set for hearing are not favored by the Board and will be granted only upon showing of good cause. Such hearings are open to the public unless the employee requests a closed hearing.
- C. The record from the previous steps in the grievance procedure, written decision, and related documents shall be admissible if relevant. Proceedings before the Board need not be conducted in strict conformity with the rules of evidence as applied in a court of law, and hearsay may be admissible, to the end that the matter may be fully heard and determined upon reliable evidentiary matter.
- D. The City Attorney may advise the Board on all questions pertaining to procedures in connection with hearings held before the Board, provided that the Board shall retain right to decide on procedural issues.
- E. The Board will report its findings, conclusions and recommendations to the grievant, the City Manager and the City Council.
- F. The City Manager shall receive the decision of the Grievance Board and shall notify the grievant in writing of their final determination within 14 calendar days of receipt of the Grievance Board's decision.

- G. In the event a grievance is submitted by a recognized employee organization, its initial submission will be to the City Manager within the time limit specified and following the procedure outlined in Section 10.

10.5 **Step 5- City Council Hearing/Final Decision**

- A. The Grievance Board's decision may be appealed to the City Council by addressing a communication to the Mayor within 14 calendar days after the decision of the Grievance Board has been released.
- B. The City Council will schedule the appeal for consideration as soon as reasonably possible after receipt of the request.
- C. Council review shall be based on the record of the proceedings before the Grievance Board and its decision.
- D. Each party may submit written argument to the Council. The written argument shall not exceed seven 8 ½ by 11 inch typewritten pages, and shall be submitted at least 7 calendar days before the hearing for inclusion in Council agenda materials. If such written argument is not received within this frame it shall be deemed waived.
- E. Each party shall be allotted fifteen minutes for presentation of oral argument to the Council.
- F. The Council may affirm, reverse or modify the decision of the Grievance Board.
- G. The decision of the City Council shall be final when made.
- H. No action shall be brought in superior Court to challenge the City Council's decision more than 90 days after the City Council's decision becomes final.

SECTION 11: BENEFITS FOR EMPLOYEES IN THE CLASSIFIED SERVICE

- 11.1 **Temporary Employees.** Personnel employed in a temporary or part-time hourly status shall not be allowed participation in any City fringe benefit programs.
- 11.2 **Vacation Leave and Separation.** In the case of a resignation, the effective date of the resignation is the last day that the employee actually works. Vacation leave will not be granted immediately prior to such separation date for the purpose of completing a full month of service for additional vacation leave accrual. Residual vacation hour balances will be paid on separation.
- 11.3 **Paid Sick Leave**
This provision only applies to those employees with sick leave balances.

- A. **Purpose.** Sick leave is provided for a bona fide illness, injury or doctor's appointment of the employee, or to care for an immediate family member who lives in the employee's household and is unable to care for himself/herself, as provided for in the appropriate MOU. A Department Director may require a doctor's certificate for any claim for sick leave, at his or her discretion.
- B. **Use of Sick Leave.** Time off may be charged to sick leave with pay for the following reasons:
1. Bona fide non-industrial illness of the employee.
 2. Physical injury incurred on the job by the employee in which sick leave supplements workers' compensation benefits.
 3. Physical disability of the employee, in which sick leave supplements workers' compensation benefits.
 4. Physician, lab, dental, and other health treatment appointments.
 5. Illness of an immediate family member as per the appropriate Memorandum of Understanding.

Unless otherwise stated in the appropriate MOU, sick leave will not be granted for the following reasons:

1. Absence due to self-inflicted sickness or injury.
2. Absence due to intentional misconduct.
3. To pursue off-duty employment.

- C. Pay for unused sick leave. The City's policy is to pay retiring employee 20% of their total accumulation upon retirement as provided for in relevant Memorandum of Understanding. Payment will be made at the employee's established hourly rate of pay.
- D. Submission of Requests for Sick Leave Utilization. Employees unable to report for work due to illness are required to call their immediate supervisor's office and report this fact prior to the start of their work day or when special circumstances exists, within the first thirty minutes of their regularly scheduled duty day. The submission of Request for Leave form may be delayed until the return of the employee to work.
- E. Control of Sick Leave Usage. The City Manager may require proof of bona fide illness, injury or disability from a physician or surgeon duly licensed to practice medicine in the State of California, to substantiate the utilization of sick leave. Likewise, Department Directors are also authorized to require a doctor's certificate from any employee for any period of absence for which sick leave is claimed. A release from the employee's doctor is required when the employee has been absent due to hernia, heart ailment, or other medical condition as determined by the City Manager which may have an affect on the individual's ability to perform his or her job.
- F. Existing Sick Leave Balance. The existing sick leave balance will be "banked" and available for the employee to use when sick. The current procedures and requirements on the use of sick leave will still apply. The current retirement sick leave payoff plan will continue, using the sick leave balance on the books at retirement.

11.4 Annual Leave

- A. Purpose. The purpose for the Annual Leave approach is to provide more personal responsibility to the employee for his/her own leave conduct. This personal responsibility provides an opportunity for the employee to gain a further benefit from a good work attendance record. The Department Director sets policy on vacation usage.
- B. General Statement. The annual Leave Program (Resolution 12542 Article IX Section 901) combines the current vacation and sick leave programs of the City. Annual Leave may be used for vacation, illness, medical or dental care appointments, family care, personal *or* business.

The leave is accrued as follows:

Years of Service	Annual Leave Days
1-5	22
6-10	27
11-15	29
16-17	30
18-19	31
20-24	32
25 years or more	33

The accrual rate for fire shift personnel will be as follows:

Years of Service	53 Hours	40 hours
1-3	212 hours	160 hours
4-5	265 hours	200 hours
6-10	297 hours	224 hours
11-15	334 hours	252 hours
16-17	353 hours	266 hours
18-19	371 hours	280 hours
20-25	390 hours	294 hours
25 years or more	408 hours	308 hours

This accrual schedule reflects the transfer of four previous holidays to the Annual Leave Program.

- C. Use of Annual Leave. Annual Leave may be used for vacation, illness, medical or dental care appointments or emergencies, family care, maternity, or personal business. Leave that can be reasonably forecast (vacation, personal leave, etc.) will require advance supervisor approval. Unscheduled leaves (illness, emergencies) shall require supervisor notification within the first thirty minutes of the regularly scheduled work day. Inappropriate use of unscheduled leave may be grounds for disciplinary action consistent with the current sick leave practices.

- D. Maximum Accrual. Eligible employees may accrue a maximum of 600 Annual Leave hours (75 days). Any hours accumulated in excess of 600 hours shall be paid at the employee's adjusted hourly rate of pay. Employees requesting to carry over a balance in excess of 600 hours must obtain specific approval of their Department Director and the City Manager. For IAFF Local 1270 and FSA the maximum is 840 hours for 56 hour shift employees and 600 for 40 hour shift employees.
- E. Pay for Unused Leave. Employees with fewer than 20 years of service may request pay in lieu of Annual Leave up to a maximum of 10 days. Employees with more than 20 Years of service may request a maximum of 15 days pay in lieu of annual leave. Request for payment in lieu of Annual Leave will be made under the following conditions:
1. The employee has sufficient hours of earned leave credits.
 2. The employee has taken at least 10 days of leave during the calendar year ending December 31.
- F. Vacation/Annual Leave and Separation. In the case of a resignation, the effective date of the resignation is the last day that the employee actually works. Vacation leave will not be granted immediately prior to such separation date for the purpose of completing a full month of service for additional vacation leave accrual. Residual vacation hour balances will be paid on separation.
- G. Advance of Sick or Annual Leave
1. Regular Employees. When recommended by the Department Director, the City Manager may advance one day of sick leave or annual leave for every year completed as a regular employee to those employees or for the care of a legal dependent of the employee who lives in the same home, who are ill or disabled and have exhausted their accumulation of sick and annual leave. If the employee has a sick leave balance, sick leave will be used prior to annual leave. These advances are in effect loans, and must be repaid from future accumulations of sick leave and vacation leave. In the event of termination prior to the accumulation of sufficient credits, these credits will be repaid to the City in cash from the final check of the employee. Sick leave may also be advanced in accordance with the provisions of an appropriate Memorandum of Understanding.
 2. Probationary Employees. New probationary employees may request advance of sick leave. The request must be recommended for approval by their Department Director and the employee must have an excellent performance and attendance record. The advance of sick leave will be limited to the accrued amount, unless otherwise approved by the City Manager.

Annual leave accrues on a biweekly basis.

A regular employee who separates from the City shall be paid at his/her regular hourly rate of pay for all (100% payback) accrued unused annual leave hours as of the last day the employee actually worked.

Bereavement, military and jury leave are not affected by the annual leave program and they continue as presently constituted.

The 10 days annual usage requirement for annual leave payoff does not apply to termination, retirement, or death of the employee.

11.5 **Benefits While on Disability**

- A. **Police and Fire Injury Compensation.** In accordance with Labor Code Section 4850, Police and Fire safety personnel are afforded full salary in the case of absence due to a valid industrial injury for a period not to exceed one year or until retirement, whichever comes first. Sick leave credits will continue to accrue during the time the employee is receiving 4850 benefits.
- B. **Workers Compensation Benefits.** Workers Compensation benefits shall be provided in accordance with State law to employees injured on the job. Vacation leave or annual leave may be used to supplement Workers Compensation benefits only after accrued sick leave has been exhausted. Further information concerning these benefits can be found in the City's Workers Compensation Procedures Manual.
- C. **Long-Term Disability (LTD).** The City provides all regular employees long-term disability benefits that basically provide for continuation of a portion of salary to those unable to work due to a medical condition. Accrued vacation leave may be used to augment LTD benefits until the effective date of the retirement. Residual vacation leave will be paid off in accordance with Section 11.1B(3). Sick leave must be exhausted and other eligibility criteria must be met before going on LTD.

11.6 **Holidays** -For employee groups not subject to annual leave. Specified holidays for employees subject to annual leave are found in the appropriate M.O.U.

- A. **Legal Holidays.** The number of paid holidays per year is fixed by the City Council and provided in the appropriate MOU. All employees in the classified service receive time off with pay for these authorized holidays. Municipal offices shall be closed on the legal holidays on the dates and times specified in the appropriate MOU. The City Manager shall publish an annual schedule of holidays.

B. Holiday Compensation. When a holiday falls on a Sunday, the following Monday shall be observed; when a holiday falls on a Saturday, the previous Friday shall be observed.

1. An employee is eligible to receive compensation for a holiday whenever that employee is in a pay status on the day before and on the day after the scheduled observance of that holiday. An employee is in a pay status if he/she is at work, taking approved compensatory time off, receiving sick leave pay, or receiving vacation or annual leave pay. If the employee is not receiving regular pay, sick leave pay, flex/management leave or annual leave pay on the day before and on the day after the scheduled observance of the holiday, the employee is not eligible to receive compensation for that holiday.
2. Every person regularly employed shall be allowed holidays as approved, except those employed who are recruited to work on a holiday and shall be granted either equivalent time off or pay, at the department's option, with reasonable accommodation to the employee's wishes, in accordance with the current MOU covering that employee.

11.7 **Family Leave**

Benefits while on family leave are addressed in Section 15 of these regulations.

11.8 **Leave of Absence**

Benefits while on leave of absence are addressed in Section 16 of these regulations.

11.9 **Bereavement Leave**

Unless otherwise provided by the appropriate MOU, Regular employees are eligible for four days of leave with pay and up to five days of leave may be authorized if out of state travel is required to attend the funeral of the deceased family member.

- | | |
|--------------|--------------------|
| Husband | Grandparents |
| Wife | Grandchildren |
| Father | Mother-in-law |
| Mother | Father-in-law |
| Children | Sister-in-law |
| Brother | Brother in-law |
| Sister | Legal Guardians |
| Stepchildren | Step Mother |
| Step Sister | Step Father |
| Step Brother | Step Mother-in-law |
| | Step Father-in-law |

For Fire Shift personnel, three 24-hour shifts for bereavement and to attend the funeral of their:

Husband	Mother
Wife	Child
Father	Stepchild

For Fire Shift personnel, two 24-hour shifts for bereavement and to attend the funeral of their:

Brother	Brother in-law
Sister	Sister in-law
Stepchildren	Step Mother
Step Sister	Step Father
Step Brother	Step Mother-in-law
Step Father-in-law	Legal Guardians
Grandparents	Grandchildren

In the event of the death of a relative or guardian of the employee's spouse, other than the in-laws specifically listed above, the employee may request annual leave or flex/management leave if he/she wishes to take time off.

11.10 Jury and Court Appearances

A. Jury Duty. Employees called for jury duty (during working hours) will be authorized time off with pay. Employees assigned to shifts other than the day shift will be given paid release time when called to jury duty, but shall not receive payment from the City for the time spent on jury duty. Compensation paid selected employees, other than travel expenses, will be returned to the City within 10 days of the employee's receipt of payment for service on jury duty.

B. Court Appearances (other than Police).

City employees are normally required to testify in court or on court-related subject matters under one of six sets of circumstances:

Situations:

- (a) In an "on duty" status, when required to appear on the behalf of the City to testify in a matter related to a job oriented situation.
 - (b) In an "off-duty" status, when required to appear on the behalf of the City to testify in a matter related to a job oriented situation.
- (a) In an "on duty" status, when required to appear at the request of some individual or agency other than the City to testify on a matter related to a job oriented situation

(b) In an "off-duty" status, when required to appear at the request of some individual or agency other than the City to testify on a matter related to a job oriented situation.

3. (a) In an "on duty" status, when required to appear at the request of some individual or agency other than the City to testify on a matter unrelated to City municipal functions.

b) In an "off-duty" status, when required to appear at the request of some individual or agency other than the City to testify on a matter unrelated to City municipal functions.

The following policies regarding compensation for the time expended in fulfilling the obligations described above will be followed:

Situation #1(a)

If the employee is "on-duty," there shall be no additional compensation. Release from duty, City transportation and the usual stipend for meals will be provided. Should the employee be required to leave before the start of the duty day or return after the normal time that he/she would go off duty, compensatory time will be awarded on a "straight time" basis for the additional hours expended.

Situation #1(b)

If the employee is "off duty" and required to appear on behalf of the City to testify, the employee will be eligible for compensation at the appropriate rate of pay. Transportation and meals will be eligible for reimbursement if appropriate.

Situation #2(a)

If the employee is "on-duty" and required to appear by an individual or agency other than the City, the criteria stated in Situation #1(a) will apply. The department or staff section granting the release from duty is responsible for requesting "witness fees" from the individual or agency concerned. If "witness fees" are paid directly to the City employee the employee will remit same to the City.

Situation #2(b)

If the employee is in an "off-duty" status, the employee is responsible for his/her own transportation and meals and must make his/her request for "witness fees" from the individual or agency sponsoring the hearing. All "witness fees" received are the property of the employee concerned, the City will not provide salary or compensatory time for the hours expended.

Situation #3(a)

If the employee is "on-duty" and required to appear at the request of some individual or agency other than the City regarding a matter that is not job-related, the employee will be released from duty to comply with this request *upon* presentation of a valid subpoena. The employee will not be charged for this time off. Transportation and meals will be at the employee's expense. The employee shall obtain "witness fees" in advance for such an appearance and remit those fees to the City. Any compensation received that is in excess of the cost of transportation and meals for the time in question will be remitted to the City.

Situation #3(b)

If the employee is in an "off-duty" status and required to appear on behalf of an individual or agency other than the City on a matter that is not job related, the City assumes no responsibility for the time involved, for meals or for transportation. Witness fees, if any, are the property of the employee concerned.

- C. Court Appearances (Police). Compensation for court appearances made by Police Department sworn personnel in their official capacity will be as called for in the current MOU.

11.11 Work Schedule

- A. Work Week. The normal work week for each department and/or group of employees is fixed by the City, and every attempt is made to maintain the work week within the specified number of hours.
- B. Overtime. Overtime hours worked in excess of 40 hours in a 7day period. Overtime definitions for safety personnel are included in appropriate Federal law and City Administrative Memoranda. Overtime is paid (at the rate of time and a half) as agreed by current MOU, or as required by the Fair Labor Standards Act, as amended. Management personnel are not entitled to payment for overtime
- C. Work Period. The work period shall be established by the City in accordance with Federal law and is contained in the appropriate Administrative Memorandum.
- D. Break Time Policy. Listed below are the procedures for scheduling of breaks.
1. All employees engaged in a four hour block of continuous employment are entitled to a fifteen minute break at a time approximately midway through the four hour work period.
 2. The exact timing of the break will be at the discretion of the supervisor. Operational necessities will take priority when scheduling breaks.

3. City employees have the responsibility to maintain a good public image. It is important that employees do not use their break time in a manner that could generate public criticism or give reason for the public to lose confidence in the effectiveness of its government. With the exception of Police vehicles, City vehicles will not normally be used to transport employees from their place of work to a break location nor will City vehicles be parked outside of restaurants and/or coffee shops during breaks.
 4. Break time cannot be accumulated, banked, or combined with a lunch period.
 5. The procedures noted above are to serve as guidelines and may be modified with the specific approval of the Department Director concerned.
- E. Compensatory Time. Time off for time worked which exceeds the hours in a normal work week but for which overtime payment is not made. Compensatory time is accrued at the rate of time and a half when it is in excess of the normal work week. The accumulation of compensatory time is limited by an Administrative Memorandum or appropriate MOU.
- F. Emergency Call Back. When an employee is called back to work on other than a scheduled basis, such employee shall be paid at one and one-half times the established rate of pay for the hours worked, but in no event for less than two hours. The appropriate Memorandum of Understanding shall apply.

11.12 Health Insurance

Each regular City employee is entitled to health insurance coverage as provided in the appropriate MOU subject to the eligibility criteria established by the insurance carrier.

11.13 Retirement Benefits

- A. Public Employees' Retirement System (PERS)
At the time of appointment all regular employees automatically become members of the retirement plan provided by the City under the Public Employees' Retirement System. Employee contributions are made by payroll deduction.
- B. Termination of Employment
All employee contributions plus interest remain the property of the employee. If you leave your present job, you may leave your contributions on deposit, or you may request a refund or roll-over of your contributions and interest subject to compliance with all laws relating to such refunds or roll-overs .

C. Non-PERS Employees (Hire Date Prior to June 1995)

1. City of Salinas Retirement Program. The City has arranged a retirement program for all regular employees other than safety members of the Police or Fire Departments. This policy, which is available the first of the month after employment, provides for normal retirement at age 60 and works in conjunction with Social Security.
2. Termination of Employment. If the non PERS employee has more than 5 years service he/she may leave them in the plan until reaching retirement age.

D. Federal Social Security. All employees (except safety Police and Fire) are automatically members of the Federal Social Security System for retirement. All new Police and Fire safety personnel will pay the Medicare portion of Social Security as required by law.

11.14 Life Insurance

The City provides a basic life insurance program at no cost to all non-safety employees. The appropriate MOU governs the amount of insurance provided.

11.15 Uniform and Special Clothing

Safety members of the Police and Fire departments and some other City employees are granted cash allowances for the purchase and maintenance of uniforms and other equipment required in the performance of their City duties.

The City, in conformance with State law, furnishes special safety or protective clothing and equipment to City employees for their use where required. Work clothing and/or a clothing allowance are furnished for certain employees in the Public Works, Recreation Park, Development/Permit Services and Police Departments in accordance with the provisions of current MOU's.

SECTION 12: EMPLOYEE AND SUPERVISOR PERFORMANCE REVIEWS

12.1 Purpose and Objectives

The purpose of systematic reports of employee performance is to give guidance to ensure that previously agreed upon specific measures of job performance have been attained.

The objective of these performance evaluations is to improve productivity and excellence of City services by establishing a regular and continuous dialogue between the employee and the supervisor.

12.2 Job Standards and Performance Criteria

- A. Job standards are derived from class specifications for a particular position. From these standards an employee should know what his/her job requires and the manner in which he/she is expected to perform those requirements.
- B. Performance criteria have been established by supervisors as measures of the quality and quantity of work an employee produces. Each employee's performance is measured against the standard performance requirements of the job. From such performance criteria, an employee should know how well he or she has performed in relation to what is expected.

12.3 Performance Review Frequency

The performance review shall be conducted by the supervisor directly responsible for an employee's performance. The minimum frequency for completing evaluations is as follows:

- A. At the end of the first three months of employment.
- B. At the end of the first six months which coincides with the completion of the probationary period for most employees. Additional reviews for Police and Fire safety personnel will be completed before the completion of their entry level probation periods.
- C. Annually at the time the employee becomes eligible for a merit increase.
- D. Annually for employees who have attained the sixth step, as of the date the sixth step as granted.
- E. Whenever excellent performance or a serious problem warrants a special performance review.

Department Directors and supervisors are responsible to insure that reviews are completed on time in accordance with this schedule.

Department Directors are on a pay for performance plan and do not follow the same criteria as outlined above.

12.4 **Performance Review Process**

- A. The performance review must reflect the summation of the goals, objectives and performance discussions that have occurred since the last review.
- B. Supervisors will set aside time for the review to insure an unhurried, informal and private discussion.
- C. Both the employee and the supervisor will thoroughly discuss the previous events and performance as they are reflected in each section of the performance review form.
- D. The form and its design is secondary. Supervisors may want to edit words so that the primary focus is on his/her specific observations of performance.
- E. The discussion should include notation of accomplishments as well as areas needing further skills, abilities and performance improvements. Critical incidents explaining both good performance and performance needing further attention must be included in the narrative for discussion.
- F. Supervisors must indicate the overall rating given the employee, and the employee must sign the performance review form, indicating that it was discussed with him or her. Signature by the employee does not necessarily indicate that he or she agrees with the content of the evaluation, only that it has been discussed in the manner described above.
- G. Addendum sheets may be added and signed by the supervisor and/or the employee. If the employee takes exception to the rating given by the supervisor, written rebuttal comments are appropriate and will be filed with the performance review form within twenty (20) days of receipt of evaluation document.
- H. Performance reviews are not grievable or appealable. However, the Department Director will meet with the employee to discuss any concerns the employee considers unresolved after having discussed the form with his/her supervisors.
- I. Department Directors and the Human Resources Officer will monitor and evaluate all performance reviews to ensure consistency and fairness.

SECTION 13: TRAINING

13.1 General Policy

- A. The City encourages and promotes training opportunities for all of its employees to insure that services they render to the City may be made more effective. The Human Resources Officer shall assist Department Directors in meeting the training needs of the employees in their departments, and in cooperation with Department Directors, shall encourage the development of departmental and interdepartmental training programs designed to meet training needs and to prepare employees for promotion to positions of greater responsibility.
- B. The City will provide and maintain a comprehensive training policy and plan in an appropriate Administrative Memorandum. City tuition aid is covered in an appropriate administrative memorandum.

13.2 Orientation of New Employees

Department Directors or their representatives should familiarize new employees with their obligations and rights and also inform them of the function of City government and the goals and mission of Salinas. The Administration Department shall assist other departments with orientation of new employees and shall provide for a City-wide employee orientation program.

13.3 Time of Training Periods

Training periods may be conducted either before, during or after regular working hours. Attendance by employees at training sessions conducted other than during regular working hours shall be voluntary, unless other-wise directed by the Department Director. Arrangements for such mandatory training shall include the granting of an equal amount of compensatory time off. Training sessions conducted during regular working hours should be arranged so as to minimize interference with work schedules.

SECTION 14: PERSONNEL RECORDS AND REPORTS

14.1 Records

The official personnel folder for each City employee will be maintained by the Human Resources Division. Personnel records are considered confidential, and are available only upon approval of the Human Resources Officer. Employees shall be granted access to their own folders. Upon written authorization from the employee to the Human Resources Officer, employee representatives shall have access to the personnel folder of the represented employee. A member of the Human Resources Division staff will be present when the personnel file is reviewed.

14.2 Personnel Changes

- A. The Human Resources Officer shall prescribe necessary forms and reports for all necessary personnel changes.
- B. Employees are required to inform their supervisor and the Human Resources Officer promptly of any change in their residence address and phone number.

14.3 Department Personnel Files and Records

Upon approval of the Human Resources Officer, confidential departmental files may be established for the purpose of having readily available duplicates of pertinent employee records. The files will be held to a minimum and are to be used for immediate or frequent referral.

15.0 **FAMILY AND MEDICAL LEAVE**

In accordance with the State and Federal Family and Medical Leave Act, the City of Salinas will grant unpaid family and medical leave to eligible employees for up to 12 weeks per 12-month period for any one or more of the following reasons:

- A. The birth of a son or daughter or in order to care for a newborn son or daughter or the placement of a child with the employee for adoption or foster care (leave must be taken within the 12-month period following the birth or placement with the employee); (Note: leave for pregnancy-related disability will be provided in accordance with State and Federal law.)
- B. In order to care for an immediate family member (spouse, child, parent or domestic partner under CFRA) of the employee if such immediate family member has a serious health condition;
- C. The employee's own serious health condition that makes the employee unable to perform the functions of his/her position.

15.1 **Definitions**

- A. "12-Month Period" - means the 12- month period measured forward from the date an employee's first leave is taken.
- B. "Spouse" - means a husband or wife as defined or recognized under California State law for purposes of marriage. If both spouses work for the City of Salinas, their total leave in any calendar year may be limited to an aggregate of 12 weeks if the leave is taken for either the birth or placement for adoption or foster care of a child.
- C. "Child" - means a biological or adopted son or daughter or foster child, a stepchild, a legal ward, or one for whom an employee has day-to-day responsibilities to care for and financially support, who is either under 18 years of age, or 18 years of age or older and incapable of self-care because of a mental or physical disability. A son or daughter need not reside with either parent.
- D. "Parent" - means a biological parent or an individual who has or had day-to-day responsibilities to care for and financially support an employee when the employee was a child
- E. "Serious Health Condition" - means an illness, injury, impairment, or a physical or mental condition that involves:

1. Hospital Care

Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.

2. Absence Plus Treatment

- (a) A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:
- (1) Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or
 - (2) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

3. Pregnancy

Any period of incapacity due to pregnancy, or for prenatal care.

4. Chronic Conditions Requiring Treatments

A chronic condition which:

- (1) Requires periodic visits for treatment by a health care provider, or by a nurse physician's assistant under direct supervision of a health care provider.
- (2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
- (3) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

5. Permanent/Long-term Conditions Requiring Supervision

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

6. Multiple Treatments (Non-Chronic Conditions)

Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

15.2 Coverage and Eligibility

A. To be eligible for family/medical leave an employee must:

1. Have worked for the City of Salinas for at least 12 months which need not be consecutive; and
2. Have worked at least 1250 hours over the previous 12 month period

15.3 Intermittent or Reduced Leave

A. An employee may take leave intermittently (as required by a health care provider as certified in Physician or Practitioner Certification) or on reduced leave schedule to care for an immediate family member with a serious health condition or because of a serious health condition of the employee when "medically necessary."

1. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.
2. The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave when the leave is foreseeable based on scheduled medical treatment.

B. An employee may take leave intermittently or on a reduced leave schedule for birth or placement for adoption or foster care of a child only with the consent of their Department Director.

C. For part-time employees and those who work variable hours, the family and medical leave entitlement is calculated on a pro rata basis. A weekly average of the hours worked over 12 weeks prior to the beginning of the leave may be used for calculating the employee's normal workweek.

15.4 Substitution of Paid Leave

- A. If an employee requests leave for any reason permitted under the law, he/she must exhaust all accrued annual leave or comp time to run concurrent with the FMLA leave.
- B. When an employee has used accrued paid annual leave for a portion of family/medical leave, the employee may request an additional period of unpaid leave to be granted so that the total of paid and unpaid leave equals 12 weeks.

15.5 Notice Requirement

- A. An employee is required to give 30 days notice in the event of a foreseeable leave. A "Request for Family/Medical Leave" form should be completed by the employee and returned to the Human Resources Office. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable, usually verbal notice within one or two business days of when the need for leave becomes known, and a completed "Request for Family/Medical Leave" form when it can readily be accomplished.
- B. If an employee fails to give 30 days notice for a foreseeable leave with no reasonable excuse for the delay, the leave may be denied until 30 days after the employee provides notice.
- C. If an employee fails to apply for FMLA leave, and the City has acquired knowledge that the leave is FMLA-qualifying, the City will notify the employee that the leave is designated and will be counted as FMLA leave as provided by law.

15.6 Medical Certification

- A. For leaves taken because of the employee's or a covered family member's serious health condition, the employee must submit a completed "Physician or Practitioner Certification" form and return the certification to the Human Resources Officer. Medical certification must be provided by the employee within 15 days after requested, or as soon as is reasonably possible.
- B. The City of Salinas may require a second or third opinion (at City expense), periodic reports on the employee's ability and intent to return to work, and a fitness-for-duty report to return to work.
- C. All documentation related to the employee's or family member's medical condition will be maintained in the employee's medical records file and treated as confidential except that: (1) supervisors and managers may be informed regarding restrictions on work duties or necessary accommodations, (2) first aid and safety personnel may be informed if the employee's condition might require emergency medical treatment, and (3) government officials investigating compliance with the FMLA shall be provided information upon request.

15.7 Effects On Benefits

- A. An employee granted a leave under this policy will continue to be covered under the group insurance plans under the same conditions as coverage would have been provided if they had been continuously employed during the leave period.
- B. Employee contributions will be required either through payroll deduction if paid leave is substituted for unpaid family leave or by direct payment to the City of Salinas. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment. Employee contribution amounts are subject to any change in rates that occur while the employee is on leave.
- C. If an employee's contribution is more than 30 days late, the City of Salinas may terminate the employee's insurance coverage for the duration of leave granted pursuant to this policy.
- D. An employee is not entitled to seniority or benefit accrual during periods of unpaid leave but such leave does not constitute a break in service for purposes of longevity and/or seniority under employee benefit plan or any collective bargaining agreement.

15.8 Job Restoration

A. Alternate Assignments

For pregnant employees in positions which may subject the employee to hazards involving strenuous physical activity or exposure to toxic or dangerous conditions, the City will make every effort to provide an alternate work assignment to reduce or eliminate the risk of such exposure.

While the City has no duty or obligation to create new or additional positions of light or restricted duty, the City will make a good faith effort to accommodate the needs of a pregnant employee. Upon request of the employee and the recommendation of the employee's physician or health care provider, the supervisor or Department Director will make every reasonable effort to place the employee in an alternate assignment which accommodates the employee's physical needs and restrictions until the employee's physician determines such restricted activity is no longer necessary.

If the supervisor or Department Director determines that no restricted duty assignment is available in the employee's department, efforts will be made to identify other non-hazardous duty assignments in other City departments.

It shall be at the discretion of the employee to accept an alternate assignment or to request leave.

B. Return to Usual Job Duties

The employee's restoration rights are the same as they would have been had the employee not been on leave. The employee will be returned to the same department and classification as held prior to the leave. Upon one week notice of an employee's intent to return to duty, the City will make an effort to place the employee in the same assignment as the employee held prior to the alternate assignment or the leave of absence.

If the employee's position would have been eliminated or the employee would have been terminated but for the leave, the City may deny restoration upon return from leave.

15.9 Family/Medical Leave Forms to be Submitted by the Employee

1. Request for Family/Medical Leave
2. Physician or Practitioner Certification
Family Member/Serious Health Condition
Employee/Serious Health Condition
3. Authorization for Payroll Deduction for Benefit Plan Coverage
Continuation During a Family/Medical Leave of Absence
4. Fitness for Duty to Return From Leave

SECTION 16: LEAVE WITH AND WITHOUT PAY

16.1 Authorized Leave With Pay

- A. Employees desiring to do so may use accrued annual leave and compensatory time for leave with pay. Leave days must be taken sequentially with interruptions only for normal days off, holidays and properly documented sick leave. Leaves of this type must be approved by the Department Director. Failure of the employee to return to work after due notice shall be considered cause for discharge.
- B. Eligibility for participation including premium payments for life insurance, LTD and retirement benefits will be subject to the applicable contracts in force.

16.2 Authorized Leave of Absence

- A. Employees desiring to take time off, may request leave without pay. Such leave must be approved by the Department Director and the City Manager.
- B. Return of the employee within the approved period entitles the employee to reinstatement in the position he/she held at the time the leave was granted. Failure of the employee to return to work after due notice shall be considered cause for discharge. During leaves without pay of 30 days or more, the Department Director may be authorized to fill the position on a temporary basis.
- C. A leave of absence for educational purposes may be granted by the City Manager for a period of up to one year.

16.3 Benefits While on Authorized Leave of Absence

A. Sick Leave, Annual Leave and Insurance Programs

- 1. Sick leave and annual leave accumulation are suspended effective the first of the pay period after leave without pay status begins.
- 2. Continued contributions to the employee's retirement plan will be dictated by the Plan document and PERS law.
- 3. When leave is for other than a disability, the employee may continue on the health plan if he/she pays the monthly premium. The employee must pay the premium by the fifth of the month following 30 days of leave without pay. If the employee elects not to continue on the health plan, he/she must meet the eligibility requirements of a new employee upon return.
- 4. While long term disability leave, the employee may continue on the health plan as outlined in the appropriate MOU.

5. Eligibility for participation including premium payments for life insurance, LTD and retirement benefits will be subject to the applicable contracts in force.

16.4 **Absent Without Leave -Unauthorized Leave**

Employees who do not report or work as scheduled and do not report a valid reason for such absence by telephone within 30 minutes after the start of the scheduled day are considered to be absent without leave. Unauthorized leave of absence shall be considered to be without pay (Resolution Section 1003).

Unauthorized leave of absence may result in termination. An employee absent without leave who refuses to return to work within 24 hours after notice to return is given, will be considered to have resigned without notice and to have terminated employment with the City.

16.5 **Military Leave**

A. **Short Term Military Leave.** Regular employees will be granted a short term military leave of absence for up to 30 work days (8 hour workday) per fiscal year for annual training, as specified by appropriate State law (Military and Veterans' Code Section 395).

B. **Extended Military Leave.** Employees drafted into the military service or who enlist during a period of national emergency will be granted military leave for the period of service, as per State law. No pay, vacation or sick leave benefits accrue to the employee during this period of military leave. Personnel returning from military service will be paid the same salary they received when they left the City (as adjusted by Council action). Benefits will accrue from the date of re-employment with pre-military leave employment credits given.

At the time the person leaves for military leave, he/she will be paid for all time worked and full accrual of annual leave. No payment will be made for sick leave accumulation; however, the employee will be credited with his/her entire previous accumulation of sick leave at the time of return to work.

Failure of the employee to return to work upon completion of military service shall be cause for discharge as prescribed by State law.

SECTION 17: MISCELLANEOUS PROVISIONS

17.1 Residency

Residency may be required within a reasonable distance or response time within the area for emergency personnel as determined by the Department Director depending on the nature of the position.

A. Background

In an effort to encourage employees to reside within the corporate limits of the City of Salinas, Memoranda of Understanding with certain employee groups and compensation plans for unrepresented employees may provide for payment of a residency stipend to those employees whose permanent residence is within the corporate City limits. This policy implements this benefit where applicable.

B. Definition Of Permanent Residence

For purposes of this benefit, permanent residence is defined in the California Elections Code, section 349(b), as the "domicile of an employee in which his or her habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At any given time, a person may have only one domicile" (permanent residence).

C. Conditions Of Eligibility

1. Employee's permanent residence must be located within the corporate limits of the City of Salinas.
2. A signed statement verifying permanent residence must be provided to the Human Resources Office annually in December of each year **and** immediately upon any change in permanent residence.
3. Employees who fail to notify the City of a change in permanent residence or fail to comply with the verification process may be denied eligibility for residency stipend.
4. Employees found to be receiving a residency stipend whose permanent residence is outside of the corporate City limits will be required to repay the overpayment, pursuant to Administrative Memorandum 88-5 and may be subject to disciplinary action.

D. Procedure For Verification

Statement and verification of permanent residence shall be submitted to the Human Resources Office in December of each year on forms available in the Human Resources Office.

17.2 Professional Engineer Compensation

Any person filling a position in the professional engineer classification series shall be compensated at a rate of pay five percent (5%) higher than the normal step provided such person is currently registered as a professional engineer under the laws and regulations of the State of California.

17.3 Acting Pay

Whenever a position becomes vacant, and a lower ranking employee is appointed to serve in such a position in an "acting" capacity on an interim basis, the City Manager is authorized to grant such employee a salary increase of 10% above his/her regular salary rate, for the duration of the appointment.

17.4 Special Assignment Pay

The City has established two categories of special assignment pay to replace the single category previously known as "working out of class".

- A. Special Assignment Pay While Working Out of Class. Any employee who is assigned by the authority of a Department Director to perform a majority of the duties of a higher classification for more than 6 working days shall receive a 10% Special Assignment pay. Such pay shall be based on the employee's established salary and shall be retroactive to the first day of such assignment. Alternative premium pay provisions of an appropriate MOU shall supersede this section.
1. Employees may be assigned to perform a majority of the duties of a higher classification only by prior authorization of the Department Director (form attached to Admin Memo 92-1).
 2. Employee must meet eligibility requirements outlined in the appropriate Memorandum of Understanding.
 3. A "majority" of duties of the higher classification is defined as a substantial portion (generally the essential functions of that classification) and the duties must be above and beyond those that already fall within the scope of the employee's current job description.
 4. Special assignment pay generally will not be authorized nor duties assigned for a period of time less than one workday or one shift, unless specifically authorized for less than one workday by the Department Director.
 5. The form (Request for Special Assignment Pay) or a similar departmental form approved by the Human Resources Officer must be submitted with each Personnel Action Form and/or subsequent time cards documenting hours spent under Special Assignment Pay.

B. Special Assignment Pay While Performing Additional Responsibilities. Any employee who is assigned by his/her Department Director a significant increase in duties and responsibility in his/her classification may receive a 10% special assignment pay. Such pay is authorized on recommendation of the Department Director with approval of the City Manager. It may be paid for special assignments of not less than two weeks nor more than 3 months duration. The City Manager may approve additional special assignment pay beyond 3 months for exceptionally difficult long range assignments.

1. Employees may be assigned an increase in duties and responsibility only by recommendation of the Department Director and authorization of the City Manager. Additional duties are generally the result of:
 - a. temporary reorganization of department/division
 - b. additional duties due to emergency/extreme workload
 - c. a special project or assignment in addition to regular duties
2. A memo of justification for special assignment pay while performing additional duties shall accompany the Personnel Action Form authorizing such special assignment pay.

Fire suppression personnel assigned by the authority of the Department Director to perform a majority of the duties of a higher classification shall receive a 10% Acting Pay while working out of classification, based on the employees established base salary.

17.5 Bilingual Premium Pay

It is the policy of the City of Salinas to certify and compensate a limited number of bilingual employees to regularly interpret and translate for non-English speaking members of the public who seek City services. The City's primary need is to have public contact employees who speak Spanish and Tagalog.

A. Authorization

City Department Directors, in coordination with the Human Resources Officer, are authorized to nominate a limited number of employees who have been recommended by their immediate supervisors and division heads to apply to take the City's Bilingual Certification examination. A determination not to authorize or recommend an employee to apply for certification is not a grievable matter nor is it a form of discipline.

B. Eligibility

Regular City employees may make a written request to their Department Director to take the City's Bilingual Certification examination. The criteria to be used by supervisors, Department Directors, and City Manager to grant or deny an employee's request shall be:

1. Does employee occupy a City job wherein public contact is a basic assigned duty requiring a majority of the employee's time on a daily basis. For example, receptionists and police officers are public contact positions and word processing operators are not.
2. Do non-English speaking members of public, likely to interface with the employee, have reasonable access to other certified Bilingual City employees?
3. Would employee's certification constitute a prudent expenditure of City funds?

C. Certification

Only City employees who are authorized by their Department Director and the Human Resources Officer to become certified as Bilingual employees will be allowed to take a language proficiency examination. The examination will be administered and scored by the Human Resources Division.

D. Compensation

City employees who pass the City's bilingual certification examination, are eligible to receive a 5% premium on base monthly salary. Failure to pass the examination is not subject to the grievance process nor is it a form of discipline. The premium becomes effective on the first day of the first full pay period following the successful passing of the bilingual exam and certification by Human Resources. The employee's department must complete a Personnel Action Form to initiate the payment process.

E. Use

Following certification, the bilingual employee is responsible for translating and interpreting, orally and in writing, to the best of their ability. The City, as a matter of policy, encourages all certified bilinguals to continue improving their interpretation and translation skills so that the City can consistently rely upon each certified bilingual's optimal performance/service. It is also each certified bilingual's responsibility to use good judgment in determining their ability to translate more complex information. This is particularly applicable in situations where issues like personal safety and/or legal liability could become a foreseeable risk resulting from translating information beyond one's reasonable level of comprehension. Certified bilinguals are required to immediately notify their supervisor of problems associated with performing their translation or interpretation duties.

The bilingual employee's immediate supervisor is responsible for assisting the certified bilingual employee to keep his/her translation workload balanced with other critical job duties. Bilingual employees may be asked by their supervisor to occasionally assist other departments.

F. Duration

A City employee who passes the City's Bilingual Certification examination is eligible to receive this premium pay for as long as he/she continues performing the duties of the "public contact position". The City reserves the right to require re-certification. The City also reserves the right to discontinue an employee's bilingual premium for lack of interpretation/translation work, purposes of economy or job transfer to a "non public contact" City position. Removal of the premium is not subject to the grievance process nor is it a form of discipline.

In cases involving a proposed transfer of a certified bilingual, it is incumbent upon the transferee to first determine whether the City position to which he/she intends to transfer.

1. Satisfies the 3 "eligibility" criteria in B above AND
2. The future Department Director will choose to authorize the transferee to continue translating and interpreting and receiving the bilingual premium.

Transferred employees who are so authorized to continue receiving the bilingual premium are not required to retest, unless said employee is transferring from a non-public safety position to a public safety position.

17.6 Employee Safety Program

The purpose of the City's safety program is to implement a city-wide injury and illness prevention program that encourages safety awareness and a process for identifying, reporting and correcting safety deficiencies when they are discovered. Each employee must maintain this awareness, report hazards, correct hazards under his/her control, and strive to improve his/her safety habits. The City Safety Program is detailed in the appropriate Administrative Memorandum.

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