

RESOLUTION NO. 12542 (N.C.S.)

RESOLUTION ADOPTING PERSONNEL RULES AND REGULATIONS TO
SET FORTH TUE PROCEDURES FOR PERSONNEL MANAGEMENT WITHIN
THE CITY ORGANIZATION

BE IT RESOLVED BY THE COUNCIL OF SALINAS that Resolution Nos.
6998, 7204, 7571, 8269, 8905, 12030 are hereby rescinded.

BE IT FURTHER RESOLVED that the following Personnel Resolution is hereby
adopted.

ARTICLE I GENERAL

Section 101 Purpose and Policy

These Personnel Rules and Regulations set forth those procedures which insure similar treatment for employees; define the rights, privileges, obligations and prohibitions placed upon all employees of the City of Salinas; and to comply with the City of Salinas Charter.

The objective of these Rules and Regulations is to facilitate effective and economical services to the public and to provide a fair and equitable system of personnel management within the City organization.

Section 102 Personnel Policy

It is the Personnel policy of the City of Salinas:

- A. That employment and promotion be based on merit, free of personal and political consideration and shall not be unlawfully influenced by race, religion, creed, color, national origin, ancestry, age, sex or handicapped status.
- B. That tenure of employees covered by these rules and regulations shall be subject to satisfactory work performance and behavior, the necessity for the performance of work, and the availability of funds.
- C. That relations with employees will be maintained in an open and straightforward manner.

Section 103 City Manager Authority

In accordance with the Charter of the City of Salinas, the authority to appoint all officers and employees, except those specifically excluded, and to remove same for cause, and general control and supervision over same is vested exclusively in the City Manager. The City Manager may delegate to department directors the authority to appoint, terminate or take other personnel action, subject to: the Personnel Rules and Regulations; the Municipal Code; and the City

Charter. The Personnel system is established by Section 2-4 of the City Code of the City of Salinas and shall be administered by the City Manager.

Section 104 Adoption of Rules and Regulations

These Rules and Regulations have been adopted by the City Council in order to establish an equitable and uniform procedure for dealing with employment relationships with the employees of the City of Salinas. Clarification of these Rules and Regulations shall be the responsibility of the City Manager by directives.

Section 105 Employment Constitutes Acceptance of Rules

In accepting employment with the City of Salinas, each employee agrees to be governed by and to comply with the Personnel Rules and Regulations, Administrative Rules and Regulations established by the City Manager, and Rules and Regulations and directives of the department in which she or he is employed.

Section 106 Exceptions to Policy

These Rules and Regulations shall apply to all offices, positions and employments in the service of the City, except those appointed by or subject to the direct control of the City Council.

Section 107 Conflict With Charter

None of the Personnel Rules and Regulations, Administrative Directives established by the City Manager, department rules, regulations or-directives, shall be in conflict or supersede any provisions of the Charter of the City of Salinas and in the event of conflict, the Charter shall control.

Section 108 Separability

Should any of the provisions contained in this resolution be rendered or declared invalid by reason of any State or Federal legislation, court action, emergency situation, such invalidation so declared shall not invalidate the remaining portion hereof and they shall remain in full force and effect.

ARTICLE II DEFINITIONS

Section 210 Meaning

For the purpose of this resolution, unless it its plainly evident form the context that a different meaning is intended, terms used in the Personnel Rules and Regulations shall have the meanings as set forth in this Resolution.

Section 202 Appointing Authority

The term ‘appointing authority’ shall mean the City Manager. The City Manager may delegate his or her power to appoint or remove employees for cause to any and all department directors and shall have the sole authority to appoint department directors under his or her control.

Section 203 Classification Plan

“Classification Plan” shall mean a list of the titles of the classes of all regular, part-time, or temporary positions in the municipal service, and a written specification defining each class. The class specification shall include a summary statement of duties and responsibilities, reporting relationships and minimum or desirable qualifications for appointment, and may include such other pertinent information as the Personnel Officer may deem desirable.

Section 204 Classified Service

“Classified Service” shall include all positions in the City service not specifically included in the “Unclassified Service” (see Section 218).

Section 205 Compensation Plan

The term “Compensation Plan” shall mean a plan adopted by resolution which includes all salary schedules by classification and any other form of compensation provided to employees either in the Classified or Unclassified City service. That plan may be divided into separate employee representation units.

Section 206 Demotion

“Demotion” shall mean the movement of an employee from one class to another having a lower maximum rate of pay. Demotions may be a disciplinary or non-disciplinary action.

Section 207 Discharge

The term “Discharge” shall mean “disciplinary termination”.

Section 208 Non-Pay Status

“Non-Pay Status” shall mean the period in which an employee is not at work and has been granted a leave of absence without pay.

Section 209 Pay Status

The term “Pay Status” shall mean the period in which the employee is at work or: on vacation; annual leave; sick leave; leave as a result of industrial injury; paid military leave or any other approved leave of absence with pay.

Section 210 Personnel Action Form

“Personnel Action Form” shall mean the form prescribed by the Personnel Officer which shall govern any and all personnel actions including but not limited to: change of address; salary; appointment; termination, etc.

Section 211 Probation

The term “Probation” shall mean that period of time described in Article IV of this resolution.

Section 212 Promotion

The term “Promotion” shall mean the movement of an employee from one class to another class having a higher maximum rate of pay.

Section 213 Salary Range

Salary Range” means a series of salary steps or movements having a minimum and maximum. Salary ranges are assigned to each classification in the classified service and are found in the Compensation Plan.

Section 214 Shift Personnel

“Shift Personnel” shall mean personnel whose duty assignment is for 24 consecutive hours or more with at least 24 hours or more scheduled for off duty before another assignment is commenced.

Section 215 Suspension

The term “Suspension” shall mean the temporary removal of an employee from a pay status for reasons of pending disciplinary action, disciplinary reason or other just causes.

Section 216 Sworn Personnel

“Sworn Personnel” shall mean either Police Officers or Firefighters sworn to carry out either Police or Fire duties and powers.

Section 217 Termination

“Termination” shall mean the separation of an employee from municipal service. Termination may be by death, lay off resignation, retirement, work completion, lack of work or funds, or for non-disciplinary reasons as specified in Article VI.

Section 218 Unclassified Service

The Unclassified Service shall include the positions of: City Manager, City Attorney and appointments considered temporary or part time hourly.

ARTICLE III EMPLOYMENT

Section 300 General

Employment with the City of Salinas shall be based upon merit and fitness and is open to all who possess the qualifications necessary to perform the work, file a timely official City of Salinas application form, compete successfully in the selection process, appear on the eligibility list, be selected by the appointing authority and conform with the appointment procedures of the Municipal Code.

Section 301 Recruitment

Recruitment for qualified applicants will be a process whereby the City shall have available applications from qualified persons for possible employment. Notices of job opportunities may be placed in newspapers, magazines and posted announcements. In addition, they may be given to local and state agencies, community groups offering services, and employee groups which may help to bring response from qualified persons.

Section 302 Selection Process

The selection process may consist of such recognized techniques as oral and written examinations, performance tests, evaluation of ability through background evaluation and personal interviews, psychological evaluation, polygraph assessment, medical examination, or any combination of indicators, and shall not be influenced by race, religion, creed, color, national origin, handicapped status, sex or age, unless sex or age are bona fide occupational qualifications. The Personnel Officer shall be responsible for the design and administration of any selection procedure in the classified service. The selection procedures shall conform with the Municipal Code and City Charter.

Section 303 Classes of Appointment

Employment in the municipal service shall be divided into the following classes of appointment:

- A. Regular, full time - appointment on a full time basis in an authorized budgeted position.
- B. Regular, part-time - appointment on a part-time regular basis to an authorized budgeted position. Regular part-time employees shall receive benefits and salary as stated in the appropriate compensation plan.

- C. Temporary - appointment to temporary positions shall be made to positions that have the same class titles as regular full time or regular part-time positions, but shall not exceed 1,040 hours in any twelve-month period.
- D. Part-Time, hourly — appointment to a part—time hourly position is on an “as needed” basis and may exceed twelve consecutive months of employment provided that employment does not exceed an average of 30 hours per week over a period of twelve consecutive months.
- E. Emergency appointment - all emergency appointments, as per, Municipal Code Section 25—9, shall be considered temporary or part—time hourly appointments.
- F. Special Employee — appointment to a special program. Employees assigned as special may or may not receive benefits and other programs available to regular employees. Continued employment is dependent, in addition to the limitations set forth in this resolution, to continued funding of the special program.

Section 304 Reinstatement

Reinstatement is the rehiring of an employee who has been laid off due to forced reduction, or abolishment of position.

Section 305 Reappointment

Reappointment after termination shall be considered as new employment. Reappointments may only be made upon request of the appointing authority if the individual has:

- A. Been terminated less than one year.
- B. Left City service in good standing.
- C. The approval of the Personnel Officer and the department head.

Reappointment shall only be made to the classification which the individual left.

Section 306 Transfer

Any employee may be transferred from one department, division or unit to another in the same class. In each case, no transfer shall be made unless approved by the Department Directors concerned and the City Manager.

Section 307 Promotions

Promotional procedures shall be governed by the Municipal Code. It is the policy of the City of Salinas to encourage advancement of personnel within the department and the organization. Promotional opportunities shall be listed as:

Open: Those employment opportunities open to any qualified person.

Promotional: Those opportunities available to regular and part-time regular employees only.

The type of listing requested by the appointing authority shall be subject to approval by the Personnel Officer.

Section 308 Demotion

The appointing authority may demote an employee whose ability to perform the required duty falls below acceptable standards, when the need for a position which an employee fills no longer exists, or when an employee requests a demotion. A demotion may be considered disciplinary or non-disciplinary action.

No employee shall be demoted to a classification for which he or she does not possess the minimum qualifications. Reduction in pay for regular full time or regular part-time employees shall be considered a demotion. If the demotion is disciplinary, the employees shall have the right of appeal through the grievance procedure.

Section 309 Suspension

The City Manager has the right to suspend employees with or without pay in the classified service for a period not to exceed 60 calendar days in any calendar year.

Section 310 Continued Employment

Continued employment of employees with the City of Salinas shall be subject to good behavior, satisfactory work performance, necessity for the performance of the work, and the availability of funds.

ARTICLE IV PROBATION

Section 401 Original Probationary Period

All original appointments to regular full or regular part-time positions shall be tentative and subject to a probation period of six months for miscellaneous employees or twelve months for sworn Fire and eighteen for sworn Police personnel. Miscellaneous employees and sworn Public Safety employees shall be as defined in the appropriate sections of the State of California Government Code. All other classes of appointment referred to in Article III, Section 303, shall be tentative for duration of employment.

Section 402 Objective of Probationary Period

The probationary period shall be regarded as part of the selection process and shall be utilized for closely evaluating the employee's work, for reviewing the most effective adjustment of a new

employee to his/her position and for rejection any probationary employee whose performance does not meet acceptable standards of work.

Section 403 Probationary Performance Evaluation Report

A report of performance of each probationary employee shall be made by the appropriate department supervisor and shown to the employee on or before expiration of the probationary period.

Section 404 Probation Period After Promotion

A promoted miscellaneous or Public Safety employee shall serve a probationary period of six months. A promoted employee may be returned to the position held prior to promotion if the employee does not successfully complete the probationary period after promotion.

Section 405 Rejection of a Probationary Employee

During the probationary period, an employee may be suspended, demoted or rejected at any time by the appointing authority.

Section 406 Extension of Probationary Period

The probationary period established by this Resolution may be extended for a period not to exceed six months upon the approval of the appointing authority and the City Manager and upon notice to the employee.

ARTICLE V HOURS, COMPENSATION AND CLASSIFICATION

Section 501 Compensation Plan

The Compensation Plan adopted by the City Council by Resolution shall provide for salary rate and salary schedules, rates, ranges, steps, time of increases, establishment of salary, and any other special compensation or items related to the total compensation paid to employees (refer to Section 205).

Section 502 Classification Plan

Each position within the City's service shall be assigned a City classification. The classification statement may include those items necessary to describe a summary of duties, reporting relationships, minimum and desirable qualifications and any other pertinent information the Personnel Officer may deem desirable. The Classification Plan shall be kept in the Personnel Division (refer to Section 203).

Section 503 Administration of the Classification and Compensation Plan

The City Council shall administer the compensation and classification plan for officials appointed by the City Council. The City Manager shall administer the classification and compensation plans for all other employees.

Section 504 Salary Merit Increases

All movements through a salary range shall be considered merit increases and are subject to administrative direction, compensation plan requirements, and the Municipal Code (Section 25-4).

Section 505 Salary Decreases

The salary of any employee may be decreased at any time to a lower salary, within the salary range, by the City Manager or upon the recommendation of the designated appointing authority that the quantity, quality, or manner of performance of service do not justify the salary received. This shall be considered a demotion as defined in Section 206.

In the event of a downward adjustment of the salary range which results in a reduction in the established salary of an individual employee, the City Manager may, if conditions warrant, continue the salary for such employee in an amount in excess of the new range maximum for a reasonable period of time (not normally to exceed two (2) years). Such interim salary rate shall be defined as a "Y-Rate".

Section 506 Standard Work Periods

The standard work periods for all classes of employees shall be such as are established by the City Manager or his/her designee.

Section 507 Exceptions to Standard Work Periods

The City Manager is authorized to designate other work periods and hours for employees in emergency situations or when the best interest of the City may be served by such readjustment of standard work hours.

Section 508 Attendance

Employees shall be in attendance at their assigned duties at the time and place prescribed for the department to which they are assigned.

Section 509 Pay Periods

Pay periods shall be established by the City but in no case shall be in conflict with State law.

Section 510 Overtime Policy

It is the policy of the City of Salinas that overtime work be kept to a minimum, consistent with the protection of the lives and property of its citizens, and the efficient operation of activities of the City, and shall be authorized only under such administrative directives that the City Manager may prescribe. Pay for overtime work for employees shall be defined by State or Federal law and/or the appropriate City compensation plan.

Section 511 Overtime Compensation Not Applicable

Overtime compensation shall not apply to those positions designated by administrative directive and State and Federal law.

Section 512 Deductions

Deductions from an employee's pay shall be made in accordance with prevailing laws, agreements and administrative directives established by the City Manager.

Section 513 Paid Holidays

Paid holidays shall be established in the appropriate section of the Compensation Plan.

Section 514 Compensation for Holiday Work

- A. Employees not normally required to work on holidays - (regular or part-time regular employees whose duties do not normally require work on paid holidays) shall be compensated at the overtime rate for any time worked during the holiday except for those positions designated in the appropriate compensation plan.
- B. Employees whose work schedules normally require holiday work, a regular or part-time regular employee whose duties normally require work on paid holidays, shall be compensated for all eligible holidays and shall receive either additional salary equal to additional days pay or equivalent time off according to the appropriate compensation plan. Any employee on unpaid leave of absence shall not receive any compensation for holidays accruing during such leave.
- C. Temporary and part—time hourly employees are not eligible for paid holidays. If work is required during a paid holiday, temporary and part—time hourly employees shall be paid their regular rate of pay unless State or Federal law requires otherwise.
- D. Regular full or regular part—time employees assigned days off other than Saturday or Sunday (regular full or part—time employees whose work schedule require that the regular days off be other than a Saturday or Sunday) shall be granted an additional day off at the convenience of their department in the event a holiday falls on the regularly scheduled, day off.

- E. Holidays not taken – Subject to administrative direction, holidays not taken may be paid at straight time rate prior to the end of the fiscal year or be added to the employee’s vacation balance.

ARTICLE VI TERMINATION

Section 601 Resignation

An employee wishing to leave the City service in good standing shall give at least two weeks notice unless because of extenuating circumstances the appointing authority agrees to permit a shorter period of notice. Such employee shall be allowed to remain on a paid status for at least two weeks provided that all rules and regulations are observed.

Section 602 Termination Non-Disciplinary Action

An employee may be terminated by the appropriate appointing authority at any time for cause. Such cause shall be other than cause for disciplinary action and shall include, but not be limited to physical disability or mental incapacity to perform the work. Full or part-time regular employees shall be given a written statement of the reasons for termination and may appeal such action in the manner provided in the grievance procedure.

Section 603 Termination - Abolition of Position - Lack of Work or Funds

An employee may be terminated because of the changes in duties or organization, abolition of position, shortage of work or funds, or completion of the work for which employment was made. Notice of termination will be given to the employee at least two weeks prior to the effective date of the termination. Appeal is not available to employees terminated under this section, but the Municipal Code shall prevail.

Section 604 Termination - Disciplinary Action

An employee may be terminated at any time as a disciplinary action as provided in Article XI of these Rules and Regulations.

Section 605 Retirement - General

Retirement from City service shall, except as provided in these Rules and Regulations, be subject to administrative directive, the Public Employees Retirement Systems laws in the case of public safety sworn personnel, and the City sponsored retirement plan in the case of qualified employees.

ARTICLE VII VACATION

Section 170 Eligibility

Regular full time and regular part-time employees not covered by the Annual Leave Program shall be eligible for paid vacation leave in conformance with the appropriate compensation plan.

Regular part-time employees shall be eligible for paid vacation on a pro rata basis in conformance with the appropriate compensation plan.

Temporary or part-time hourly employees and employees on original or disciplinary probation shall not be eligible for vacation leave.

Section 702 Rate of Accrual

Vacations will be accrued when an eligible employee is in a pay status and will be credited on a biweekly basis. Accumulated vacation may not exceed three times the annual rate of accrual unless prior written authorization for a specified amount is received from the City Manager. Each eligible employee shall accrue vacation at the rate established in the appropriate compensation plan.

Section 703 Cessation of Accrual

In the event an employee fails to use vacation as provided in these rules, vacation accrual beyond the limits established in these rules and the compensation plan shall be prohibited and no other compensation nor form of recognition of accrual shall be made except that the accrual limits may be extended as defined in Section 702 of these rules.

Section 704 Holidays Falling During Vacation

In the event a specified City holiday falls within an employee's vacation period which would have excused the employee from work and for which no other compensation is made, an additional work day for each holiday shall be added to the vacation leave.

Section 705 Use of Vacation

The time at which an employee may use his or her accrued vacation leave and the amount to be taken at any one time shall be determined by the department director with particular attention to the needs of the City, but, as far as practical, considering the wishes of the employee. Employees shall not work for any other department of the City during vacation leave.

Section 706 Vacation Pay Upon Termination

Employees leaving City service and eligible for vacation leave shall be paid for accrued vacation at the employee's current rate of pay. Employees who terminate employment with the City and have less than 6 months continuing service or who are on original probation, shall not be compensated for accrued vacation. An eligible employee who dies in the City service shall have the amount of accrued vacation paid to his or her estate.

Section 707 Vacation Pay Upon Unpaid Leave of Absence

An eligible employee granted an unpaid leave of absence may upon written request receive accrued vacation pay prior to such leave of absence.

Section 708 Advance Vacation Pay

No advance vacation pay shall be made unless approved by the City Manager.

ARTICLE VIII SICK LEAVE

Section 801 Statement of Policy

Sick leave shall be allowed and used only in case of actual personal sickness or disability, or as authorized by this Article or the Personnel Rules and Regulations.

Section 802 Sick Leave Procedure

The City Manager shall establish controls and procedure for the administration of sick leave use which will be contained in the Personnel Rules and Regulations.

Section 803 Eligibility

Regular full time or regular par-time employees not covered by the Annual Leave Program shall be eligible to accrue and use sick leave.

Section 804 Accrual, and Accumulation

The maximum accumulation of sick leave will be 180 working days or the equivalent for fire shift personnel. Sick leave accrues as follows:

- 1 to 3 years – 9 days or equivalent shift days per year
- 3 plus years – 12 days or equivalent shift days per year

Sick leave shall accrue in a biweekly basis.

Section 805 Use of Sick Leave

Time off may be charged to sick leave with pay for the following purposes:

- A. Bona fide, non-industrial illness of the employee.
- B. Injury or disability incurred on the job by an employee in which sick leave supplements Workers' Compensation benefits.

- C. As provided in the appropriate compensation plan. Unless otherwise stated in an MOU or appropriate compensation plan, sick leave will not be granted for the following purposes:
1. Illnesses of anyone other than the employee.
 2. Absences due to deliberately self—inflicted sickness or injury.
 3. Absence due to intentional misconduct.
 4. To pursue off-duty employment.

Rules governing the specific use of sick leave shall be found in the appropriate compensation plan and the Personnel Rules and Regulations.

Section 807 Depletion of Allowance

An employee may be granted a medical leave of absence without pay for a period not exceeding 60 days by the City Manager. If the employee is unable to return at the end of this period, he or she must request further medical leave every 30 days thereafter subject to the approval of the City Manager. If further leave is not granted, the employee's service with the City shall be considered terminated and no appeal shall be available. This section does not apply to cases involving Workers' Compensation issues where State law will apply.

Section 808 Payment for Accumulated Sick Leave

Payment for accumulated sick leave shall be established in the appropriate compensation plan.

Section 809 Forfeiture Upon Termination

Employees leaving the municipal service shall forfeit all accumulated sick leave except that amount found in the appropriate Memorandum of Understanding. In the event that notice of resignation or termination is given, sick leave may be used only through the day which was designated as the final date of work by such notice.

ARTICLE IX ANNUAL LEAVE

Section 901 Eligibility

Regular full time and regular part-time employees shall be eligible for annual leave in lieu of vacation leave and sick leave in conformance with the appropriate compensation plan. Regular part—time employees shall be eligible for annual leave on a pro rata basis in conformance with the appropriate compensation plan. Temporary or part-time hourly employees and employees on original or disciplinary probation shall not be eligible for annual leave.

ARTICLE X LEAVE OF ABSENCE

Section 1001 Leave of Absence Without Pay

Leave of absence without pay may be granted in cases of emergency or where such absence would not be contrary to the best interest of the City. The City Manager may grant up to 30 days at any one time, however no leave of absence without pay may exceed a total of 12 consecutive months. Such leave so granted is not a right, but an authorized privilege. Employees on authorized leave of absence without pay may not extend such leave without expressed approval of the City Manager. No vacation, sick leave, or any other paid benefits shall be accrued or used during such leave.

Section 1002 Leave of Absence Bereavement Leave

A leave of absence may be granted to an eligible full time regular or part-time regular employee in conformance with the Personnel Rules and Regulations and the appropriate Memorandum of Understanding.

Section 1003 Absent Without Leave — Unauthorized Leave

Unauthorized leave of absence shall be considered to be without pay. Unauthorized leave of absence may result in termination of employment without notice to the employee and shall be considered to be resignation without notice.

Section 1004 Military Leave of Absence

State law shall govern the granting of military leave of absence and rights and requirements of employees returning from such leave.

Section 1005 Time Off to Vote

Time off with pay to vote in any general or primary election shall be granted as provided by the California Election Code.

Section 1006 Jury Duty

Employees required to report for jury duty shall be granted a leave of absence with pay provided that the employee shall accept and remit to the City all fees, except mileage and subsistence allowance, within 30 days from receipt of such fees.

Section 1007 Maternity Leave of Absence

Maternity leave of absence shall conform with the Personnel Rules and Regulations.

Section 1008 Medical Leave of Absence

Refer to Article 8, Section 807.

ARTICLE XI DISCIPLINARY ACTION

Section 1101 Definition

Disciplinary action shall mean written reprimand, suspension, disciplinary suspension, disciplinary reduction in salary, or discharge.

Section 1102 General

The City Manager may take disciplinary action against an employee under his/her control subject to this Article.

Section 1103 Causes for Disciplinary Action

Causes for disciplinary action may be taken against any employee for reasons which may include, but are not limited to:

- A. Inexcusable neglect of duty.
- B. Tardiness.
- C. Fraud in securing employment.
- D. Violation of safety rules.
- E. Fighting.
- F. Unauthorized leave of absence.
- G. Discourteous treatment of the public or other employees.
- H. Theft.
- I. Falsifying information, time cards, or City records.
- J. Possession of or under the influence of alcoholic beverages, non-prescription or unauthorized narcotics, or dangerous drugs during working hours and on City property.
- K. Refusal or failure to perform work assigned.
- L. A conviction or a plea of Nolo Contendere to a felony; conviction or a plea of Nolo Contendere of a misdemeanor involving moral turpitude.
- M. Unauthorized soliciting on City property.
- N. Sexual harassment.
- O. Refusal to take or subscribe to any oath which is required by law in connection with employment.
- P. Misuse of City property.
- Q. Accepting gratuities or bribes.
- R. Violation of any provisions of the Personnel Rules, this Personnel Resolution, the Municipal Code, Department Rules and Regulations, or administrative directives.

Section 1104 Notice of Disciplinary Action

Notice of disciplinary action shall conform with State law and shall include:

- A. Statement of the nature of the disciplinary action.
- B. The effective date of the action.
- C. A statement of the act or omission upon which the disciplinary action is taken.
- D. A statement advising the employee of right to appeal from the proposed action or the action itself.

Section 1105 Right of Appeal

Any employee shall have the right of appeal from any disciplinary action except oral and written reprimands. Such appeals must be filed and processed through the grievance procedure and/or in conformance with the Personnel Rules and Regulations.

ARTICLE XII EMPLOYEE GRIEVANCES

This section sets forth administrative policies and procedures of employee grievances. For definition purposes, a grievance is any dispute concerning the interpretation or application of City of Salinas Municipal Code, Personnel Resolution, or the Rules and Regulations governing personnel practices or working conditions.

- A. Handling of Grievances.

As a matter of general city policy, supervisors at all levels are expected to provide a receptive ear and open door policy for the discussion and review of employee grievances concerning conditions of employment. In the event an employee has a grievance, the employee will, at the earliest reasonable date, discuss the grievance with the immediate supervisor. There is no requirement for the employee to submit the grievance in writing at this point.

- B. Appeal to Department Director.

If the grievance is not resolved by the supervisor within five working days, or if the employee disagrees with the supervisor's decision, the employee may appeal the matter to the department director. At this stage the employee may submit the grievance in writing or verbally. The department director will investigate the grievance and will notify the employee in writing of his decision within ten working days. In lieu of handling the grievance personally, the department director may establish a department grievance review committee to hear and study the grievance and to recommend appropriate action to the department director, who again, will notify the employee in writing and forward a copy of his decision to the Employee Relations Officer. Normally, this action will be accomplished in ten working days unless there are extenuating circumstances and a reasonable time extension is approved by the Employee Relations Officer.

C. Appeal to the Salinas Employee Relations Officer.

If the grievance is not resolved by the department director, the employee may appeal within 21 calendar days (three weeks) following the date of notification to the employee as provided in Section B above, to the Salinas Municipal Employee Relations Officer. The grievance shall be in writing and shall include the nature of the complaint. The Employee Relations Officer, after receipt of the grievance in writing, will render a written decision within three calendar weeks, unless there are extenuating circumstances which may require additional time, subject to approval of the Employee Relations Officer. In this case, the employee will be notified of the situation and given the time in which a decision will be reached. If the employee is not satisfied with the decision of the Employee Relations Officer, he/she may within 21 days (three weeks) of the service of the written decision, submit his/her appeal in writing to the Employee Grievance Board.

D. Appeal to the Grievance Board.

The grievance Board will hear the grievance at a special meeting and will report its findings, conclusions and recommendations to the employee, Employee Relations Officer, and City Council. At the hearing, the employee involved is entitled to have representation counsel if he/she so chooses. Since the Grievance Board is set up as an advisory body, its actions are not binding on the Employee Relations Officer or the City Council.

E. Appeal to the City Council.

1. After the Grievance Board has made its recommendation, the Employee Relations Officer's decision may be appealed to the City Council by addressing a communication to the Mayor within two weeks after his/her decision has been released. The City Council will schedule the appeal for consideration as soon as reasonable after receipt of the request. The decision of the Council shall be final.

F. Recognized Employee Organization Grievance.

In the event a grievance is filed on behalf of a recognized employee organization alleging a violation of its MOU, the initial submission of the grievance will be to the Employee Relations Officer and subsequent steps will be outlined in Paragraph C(1) of this section.

ARTICLE XIII OUTSIDE EMPLOYMENT

Section 1301 Outside Employment

A. No 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.

- B. Individuals 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. Such authorization may be granted under conditions stated in item A above and requires a medical release from the employee's physician stating that such outside employment will not interfere with his/her expeditious return to his/her City job.

ARTICLE XIV

Section 1401 Temporary Changes to this Resolution

The City Manager may temporarily change, suspend or otherwise modify this resolution when in his/her opinion a time of peril/disaster or emergency exists. Such temporary changes shall not exceed the period of emergency unless approved by the City Council.

Section 1402 Establishment of Personnel Rules and Regulations

Authority is hereby vested in the City Manager to implement the provisions of this resolution by the establishment of the City of Salinas Personnel Rules and Regulations.

Section 1403 Change of Status

All actions involving all aspects of employment shall be reported promptly to the Personnel Officer by the appointing authority on the prescribed forms.

PASSED AND ADOPTED this 5th day of August, 1986 by the following vote:
AYES: Councilmembers Paul D. Grennan, Russell Jeffries, Phyllis Meurer, Ralph Portuondo, Mayor James B. Barnes