

CITY OF ELK GROVE
Personnel Rules & Regulations



Revised
July 5, 2020

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1. INTRODUCTION

These Personnel Rules and Regulations establish the policies and procedures for addressing personnel and other matters that provide efficient and effective service to the public. The City of Elk Grove may modify or revise these Personnel Rules and Regulations from time to time at its sole discretion. Revisions may be proposed by any employee, Department Head, the Human Resources Department, or the City Manager.

The City of Elk Grove's employees are expected to carry out their job functions in a professional manner, being ever mindful that we are a public entity and that our customers are of paramount importance. To ensure employee understanding of our basic philosophy and expectations, all new employees will attend a new employee orientation program. This program will help new employees understand policies, procedures and benefit plans.

These Personnel Rules and Regulations summarize some of the City of Elk Grove's employment practices and the benefits to which employees are eligible (except where an express agreement provides for different terms and conditions of employment). An employee's benefits are more completely and accurately described in benefit plan documents, which are available for review in the Human Resources office. If there is any difference between the policies contained herein and the City of Elk Grove plan documents, the plan documents are the exclusive and controlling sources with respect to retirement and health and welfare benefits.

The City of Elk Grove, in its sole discretion and acting by and through the City Manager, reserves the right, at any time, to amend, modify, alter or terminate any of these policies, as well as any employee benefits. New or revised human resource policies and procedures will be communicated in advance of their effective dates. It is the responsibility of the Human Resource Manager to communicate changes. These policies may not be interpreted as establishing an implied contract or guarantee of employment for any City of Elk Grove employee.

All employees of the City of Elk Grove are expected to read and familiarize themselves with these Personnel Rules and Regulations. Each employee is to complete and sign an acknowledgement form after receiving these policies. The completed form is to be returned to the Human Resources Department for inclusion in the employee's personnel file.

2. GENERAL PROVISIONS

2.1 Purpose

These policies are adopted to promote an efficient, effective personnel system for the City of Elk Grove (hereinafter referred to as the City of Elk Grove or the City), and its employees.

2.2 Authority

These policies shall be subject and subordinate to applicable federal, state, and local law, including lawfully promulgated and adopted regulations, and lawfully promulgated rules of court. To the extent that these rules conflict with any applicable collective bargaining agreement or labor memorandum of understanding the terms of the applicable collective bargaining agreement or labor memorandum of understanding shall govern.

2.3 Human Resources Officer

The City Manager shall serve as the Human Resources Officer. The Human Resources Officer may delegate any of the powers and duties conferred upon him/her as Human Resources Officer under this section to any other officer or employee of the City or may recommend that such powers and duties be performed under contract. The City Manager/Human Resources Officer shall:

- Administer all the provisions of the Personnel Ordinance and of the Revised Personnel Rules and Regulations not specifically reserved to the City Council;
- Have the authority to adopt, amend, revise, modify or rescind any provision of these Personnel Rules and Regulations;
- Prepare or cause to be prepared a Position Classification Plan, including job descriptions and revisions of the Plan; and
- Create appropriate policies and procedures to implement these Rules and Regulations including, but not limited to, recruitment and selection procedures for the filling of positions with the City.

2.4 Amendments

Suggestions for changes or establishment of new policies at the City of Elk Grove may originate from any Department Head, the Human Resources Department, City Manager, or any employee of the City of Elk Grove. Suggested policy modifications and/or additions should be provided in writing to the Human Resources Department, who will route them to the City Manager. No policy is effective until approved by the City Manager. Once a policy modification and/or addition has been approved, all employees shall receive a copy of the modification and/or addition. It shall be the responsibility of Human Resources Department to disseminate the new personnel policy to all employees.

2.5 Rules and Procedures

The City Manager may periodically adopt, amend, or rescind rules and procedures consistent with these policies. Department Heads may recommend, and the City Manager may approve, amend, or rescind, additional personnel policies and procedures specific to an individual department where

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necessary for the proper administration of the department and consistent with the City-wide Rules and Regulations. The City Manager shall hold the exclusive and final authority to determine the consistency of any departmental policy or procedure with the City-wide policies and procedures, and the consistency of all policies and procedures with these Rules and Regulations. Policies and procedures shall become effective upon the date designated by the City Manager.

2.6 Interpretation

The City Manager shall exclusively hold the final authority to interpret the policies, rules, regulations, and procedures of the City. Such power shall include the application of these policies, rules, regulations and procedures to specific employees, positions, and circumstances.

2.7 Human Resource Services

The Human Resources Department shall make available to Department Heads and employees counseling and services that will assist them in Human Resources matters which are covered by, but not necessarily limited to, the provisions of these rules.

2.8 Personnel Records

The Human Resources Department shall keep a file in the Human Resource Department for each employee, and place in the employee's file a copy of the employee's application and any and all other personnel records affecting the employee's employment status.

2.9 Payroll Records

The Finance Director shall maintain such records which are necessary for payroll, and retirement system purposes. The Human Resources Department may inspect such records from time to time for the purpose of administering these rules.

2.10 Personnel Forms

Every appointment, promotion, transfer, demotion, salary change, separation, or other information or action required which affects an employee shall be initiated on appropriate forms supplied by the Human Resources Department. Such forms shall be used as prescribed by the Human Resources Department and shall become a part of the employee's permanent personnel record.

2.11 Volunteer Records

Each Department Head allowing volunteers to participate in the City of Elk Grove service activities shall maintain records of such service including the name of the employee or official authorizing the service, the name of the volunteer, the nature of the service, and the time the service was performed. Information concerning each volunteer shall be provided to Human Resources in a manner and form prescribed by the Human Resources Department.

2.12 Destruction of Records

Any personnel record may be destroyed only as provided by law.

2.13 Records Access

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An employee, or a representative authorized in writing by the employee, shall have the right during normal business hours to review his/her own individual personnel records. A Department Head may have authorization to review the personnel records of an employee's personnel records.

2.14 Severability

If any section, subsection, sentence, clause phrase or portion of these Rules and Regulations is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of these Rules and Regulations.

3. DEFINITIONS

The following terms shall have the following meanings, whenever used in these Rules and Regulations, unless otherwise indicated or unless the context otherwise requires:

Administrative Leave - Paid leave allotted to exempt positions in lieu of compensatory time.

Anniversary Date - The date of the initial appointment to a regular position and each succeeding year thereafter, without a break in service. This date is used principally in matters regarding leave accruals and other related personnel actions. This date is sometimes referred to as Hire Date.

Annual Leave - Leave granted to all full-time City employees, and part-time employees who work (20) or more hours per week.

Appropriate unit – a unit of employee classes or positions established or modified pursuant to the Employer/Employee Relations Policy.

Benefit - Any form of valuable consideration paid or provided to an employee, other than salary, overtime pay, on-call pay, and awards.

Catastrophic Leave – A leave of absence related to a serious health related condition of an employee (or immediate family member) who has exhausted all their own paid leave through bona fide serious illness or accident. Catastrophic leave does not apply to such conditions as the flu, colds, and conditions requiring less than a pay period's absence or to normal pregnancy.

The City - The City of Elk Grove, a municipal corporation, and where appropriate, refers to any duly authorized City of Elk Grove representative.

City Council - The elected or appointed members of the City Council of the City of Elk Grove.

Classification - All positions sufficiently similar in duties, authority, responsibility, and working conditions to permit grouping under a common title and the application with equity of common standards of selection, transfer, promotion, and salary.

Compensation - The sum of salary, overtime pay, on-call pay, awards, and all forms of benefits.

Confidential Employee – An employee, who, in the course of their duties, has access to information relating to the City's administration of employer/employee relations or confidential information about the administration of the City.

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Day – As used in these rules, days shall be calendar days unless specifically stated.

Demotion - The involuntary movement of an employee from one class of position to another class of position for which the employee qualifies which has lesser responsibilities and a lower salary range.

Department - a specific work grouping within the City of Elk Grove.

Department Heads- Department Heads are defined as the positions of City Manager, City Attorney, City Clerk, and any other position as designated by the City Manager.

Discharge - the involuntary separation of an employee from employment with the City.

Disciplinary Action - Disciplinary action means discharge, demotion (except for demotion due to layoff or reduction in force), reduction in compensation, suspension without pay, and written reprimand.

Discrimination – Any action against a person by reason of race, color, ancestry (including language use), national origin, citizenship, possession of a driver’s license issued under Section 12801.9 of the Vehicle Code, religious creed, religious belief or grooming (including dress or grooming practices), sex (which is defined to include gender (including sex stereotyping), and also including a person’s gender identity (i.e. a person’s identification as male, female, a gender different from the person’s sex at birth, or transgender); gender expression (i.e. a person’s gender-related appearance or behavior, whether or not stereo-typically associated with the person’s sex at birth); transgender (i.e. a person whose gender identity differs from the person’s sex at birth); pregnancy or medical conditions related to pregnancy; childbirth or medical conditions related to childbirth; breastfeeding or medical conditions related to breastfeeding; and sexual orientation), marital or domestic partner status, age, medical condition (including, but not limited to cancer, AIDS and HIV), physical or mental disability (the term disabled or disability shall be construed to apply to those individuals covered by Title 2 California Administrative Code, Section 7293.6 (c) et seq. and 42 U.S. Code Section 12102 and the regulations promulgated pursuant to that section), genetic information or characteristics, status as a victim of domestic violence, sexual assault or stalking, military or veteran status, or any other legally protected category, as required by applicable federal and state laws.

Employee - a person legally occupying a position in City service and on the payroll of the City of Elk Grove and is subject to the City’s right to control the manner and means of their work.

Employee Organization – Any bona fide organization that includes employees of the City and which has as one of its primary purposes representing such employees in their relations with the City.

Employer – The City of Elk Grove.

Employer-Employee Relations Officer – The City Manager or the City Manager’s designee shall be the Employer-Employee Relations Officer for the City of Elk Grove.

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Exclusive Recognition – Formal recognition by the City of an employee organization to the exclusion of other employee organizations pursuant to a majority vote of the employees in an appropriate unit.

Exclusively Recognized Employee Organization – An employee organization that has gained exclusive recognition in an appropriate unit pursuant to a majority vote of the employees in the unit.

Exempt Employee: Employees designated by the Human Resources Officer as ineligible for overtime pay pursuant to applicable law.

Full-Time Employee: An employee whose normal assigned work hour equal or exceed a forty (40)-hour workweek.

Hire Date - The first date of employment with the City. This date is sometimes referred to as Anniversary Date.

Human Resources Officer - The City Manager or the individual designated by the City Manager to administer personnel.

Human Resources Department – The department within the City that oversees administering all Human Resources.

Immediate Family Member - Spouse; natural, step, or legal child or parent; brother; sister; brother-in-law; sister-in-law; daughter-in-law; son-in-law; grandchild; grandparent; mother-in-law and father-in-law; registered domestic partner, child of registered domestic partner.

Impasse – That the City and a recognized employee organization have reached a point in their meeting and conferring in good faith where their differences on matters to be included in a memorandum of understanding and matters which they are required to meet and confer on remain so substantial and prolonged that further meeting and conferring would be futile.

Intern - An intern is someone who works in a temporary position with an emphasis of on-the-job training rather than employment, similar to an apprenticeship. Interns are usually college or university students, but they can also be high school students or post graduate adults seeking skills for a new career. Student internships provide opportunities for students to gain experience in their field, determine if they have an interest in a particular career, create a network of contacts, or gain school credit. An internship may be paid, unpaid, or partially paid (in the form of a stipend). Internships may be part-time or full-time. Typically, they are part-time during the university year and full-time in the summer, and they typically last 6–12 weeks, but can be shorter or longer.

Lay-Off - Separation of an employee from employment with the City of Elk Grove due to lack of work, lack of funds, or reorganization.

Management Employee – Any employee having responsibilities for the formulation or administration of City policies and programs, as designated by the City.

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Management Representative – The City Manager or any persons duly designated by the City Manager to act as a representative of the City for employer/employee relations.

Mediation – The efforts of an impartial third person, or persons functioning as an intermediary to assist the parties in reaching a voluntary resolution of an impasse through interpretation, suggestions, and advice.

Meet and Confer in Good Faith – Means that the City or its representatives and recognized employee organizations shall have the mutual obligation to meet and confer promptly upon request by either party and continue for a reasonable period of time in order to exchange freely information, opinions and proposals, and to endeavor to reach agreement on matters within the scope of representation.

Merit Advancement Date: The date on which an employee is eligible for merit salary advancement. That date is typically one year from the first date an employee was appointed to his/her current classification, after consideration of job performance, and annually thereafter.

Merit Salary Advancement - An increase of an employee's salary within the salary range established for the classification or position based upon job performance.

Non-Exempt Employee: Employees designated by the Human Resources Officer as eligible for overtime pay pursuant to applicable law.

Overtime - Time worked by a Non-Exempt Employee in excess of forty (40) hours per week, or as otherwise defined by applicable law.

Paid Administrative Leave - paid leave when the City Manager determines it is necessary to have an employee away from the workplace pending an investigation or determination of appropriate action.

Part-Time Employee: An employee whose normal assigned work hours are less than a forty (40)-hour workweek.

Probation Period - The period of time following regular appointment during which an employee demonstrates satisfactory performance in order to justify the right to regular status. Employees may not appeal probationary rejection during this period.

Probationary Rejection - An action by Department Head that results in the termination or voluntary demotion of an employee who, in the opinion of the Department Head, fails to demonstrate satisfactory performance in the position.

Professional Employee – An employee who is engaged in work requiring specialized knowledge and skills attained through the completion of a recognized course of instruction.

Promotion - the movement of an employee from a classification with one salary range to another classification having greater responsibilities and a higher salary range.

Proof of Employee Support – The documentation on forms approved by the City presented by an

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employee organization to the City indicating approval by the required number of employees in a representation unit whom the employee organization purports to represent. Only signatures of employees currently employed in authorized positions within the proposed representation unit on the date the petition is filed, and whose signatures have been executed within one hundred eighty (180) calendar days prior to the date the petition is filed, shall be accepted as proof of employee approval. The total number of employees in a proposed representation unit shall be determined by using the Position Allocation List, adjusted to reflect the positions occupied as of the closing date of the payroll period immediately preceding the date on which the petition is filed.

Reasonable Cause - See section 16 of these rules.

Reclassification - A change to another classification that most accurately reflects the duties performed by the employee.

Regular Full-Time Employee: An employee whose normal assigned work hours equal or exceed a forty (40)-hour workweek.

Representation Unit – A unit composed of City employees organized for the purpose of employee representation, and in accordance with the Employer/Employee Relations Policy.

Salary - Regular payment to an employee for services rendered in employment with the City of Elk Grove, excluding overtime, on-call pay, awards, and all forms of benefits.

Salary Range – A salary range is compensation that is associated with a specified classification.

Scheduled Working Hours - Those hours during which an employee is scheduled to be at work. Working hours do not include break periods, meal periods or the time before or after the employee's scheduled work period.

Scope of Representation – Those matters relating to employment conditions and employer/employee relations. This includes wages, hours, and other terms and conditions of employment, except the scope of representation shall not include consideration of the merits, necessity, or organization of any service or activity provided by law or executive order.

Separation - Leaving employment with the City for any reason.

Spouse - Is defined in accordance with state law and refers to husband, wife, or registered domestic partner.

Standby – Standby means the status under which an employee is subject to phone calls, emails, texts, or other work-related inquiries by the employee's supervisor while away from work and/or is required to return to work if called to do so. Standby may be controlled or uncontrolled. (See section 9.11).

Supervisor – Any employee, including a management employee, regularly having authority in the interest of the city to recommend hire, transfer, suspension, layoff, recall, promotion, discharge, or to provide a recommendation of such action, and/or the authority to assign, evaluate, discipline,

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assign work to, direct, or adjust grievances. The exercise of this authority must not be merely routine or clerical in nature but require the use of independent judgment.

Suspension - The involuntary placement of an employee in a non-compensated status up to a maximum of thirty (30) working days as a result of disciplinary action.

Temporary Employee - A part-time or full-time employee temporarily appointed to supplement the City work force because of unusual work-load activities or relief, and/or whose position is funded on a seasonal or other special time period basis.

Termination - Separation of an employee from employment with the City, and includes, but is not limited to, resignation, retirement, and discharge.

Transfer - Movement of an employee from one position to another.

Under filling - The filling of a position with a lower classification.

Volunteer - A volunteer is any and all persons allowed by a Department Head to perform any service, activity or duty in the name of the City of Elk Grove without compensation.

Workday - A regularly recurring twenty-four (24) hour period beginning at midnight and ending on midnight of the following day.

Workweek - The seven (7)-day period beginning at 12:01 a.m. on Sunday and ending at 12:00 midnight on the following Monday, unless otherwise specified by the City.

Work Period - The normal biweekly work period shall commence 12:01 a.m. every other Saturday. Each regular full-time employee shall work eighty (80) hours per biweekly period.

Working-Out-Of-Class - The temporary change of class with the assignment of additional duties beyond the scope of the current job description.

Work shift - the time an employee is regularly assigned to perform duties.

“Y” Rate – A salary rate which may be assigned to an employee whose salary range has been reallocated to a lower salary range, shown on the City’s salary schedule, for which there is no comparable rate in the reallocated range. An employee may, when demoted or demoting for non-disciplinary reasons, be Y-rated at the discretion of the City.

4. EMPLOYER/EMPLOYEE RELATIONS POLICY *(See also City Council Resolution No. 2001-40)¹*

4.1 Statement of Purpose

¹ These Rules are intended to incorporate the provisions of City Council Resolution 2001-40. To the extent that these Rules conflict with Resolution 2001-40, or omit any provision of Resolution 2001-40, then Resolution 2001-40 shall control. Provided, however, that to the extent that any collective bargaining agreement adopted after the passage of

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It is the purpose of this policy to implement Government Code §3500 et seq., The Myers-Milias-Brown Act (“MMBA”), by providing orderly procedures for the administration of employer/employee relations and promoting full communication between the City of Elk Grove (“City”) and its employee organizations. This policy also provides for the improvement of personnel management and employer/employee relations within the City by providing a uniform basis for recognizing the right of the employees to join, or to refrain from joining, organizations of their choice and be represented, or not be represented, by such organizations in their employment relationship.

It is also the purpose of this policy to provide procedures for meeting and conferring in good faith with recognized employee organizations regarding matters that directly affect and primarily involve wages, hours and other terms and conditions of employment with appropriate units and that are not preempted by Federal or State law.

Nothing contained in this policy shall be deemed to supersede the provisions of State law, which establish, regulate, and provide for other methods of administering employer/employee relations. These rules are intended to strengthen all other methods of administering employer/employee relations through the establishment of uniform and orderly methods of communications between employees, employee organizations, and the City.

4.2 Employee Rights

Subject to the provisions of this policy, employees have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation of all matters within the scope of representation. Employees also have the right to refuse to join and participate in the activities of employee organizations and shall have the right to represent themselves individually in their employment relations. No employee shall be interfered with, intimidated, restrained, coerced, or discriminated against because of the exercise of these rights.

4.3 City Rights

Nothing in this policy shall be construed to restrict any legal or inherent exclusive City Rights with respect to matters of general legislative or managerial policy, which include, among others, the exclusive right to determine the methods, means, and personnel by which the City’s operations are to be conducted. The city also retains the right to determine the mission, function, and necessity of all or part of each of its constituent departments and to take all necessary action to carry out its mission and functions, as well as set standard of service to the public.

The City retains the right to administer the City of Elk Grove Personnel Policies, to classify, reclassify, add, or delete positions or classes to or from the City budget. The City also retains the right to establish standards for employment and the selection and promotion of employees. The City retains the right to direct its employees, establish policies, take disciplinary action for proper cause, to establish work schedules and work assignments, and to relieve its employees from duty for lack of work or other legitimate reasons. The city retains the right to be the sole judge of the qualification and competence of its officers and employees.

Resolution 2001-40 conflicts with the Resolution 2001-40 or these Rules, then the terms of the collective bargaining agreement shall govern.

4.4 Rights of Exclusively Recognized Employee Organizations

An Exclusively Recognized Employee Organization shall have the following rights:

- To represent its members in their employment relations with the employer and to meet and confer in good faith with the employer representative on matters within the scope of representation.
- To reasonable use of employer facilities for meeting upon timely written or oral application stating the purpose for such use. Such use shall not interfere with the regular course of doing business. The employer reserves the right to condition such use on payment of appropriate charges to offset the cost of such use of the facilities.
- To install a bulletin board for exclusive use by employee organizations. All material shall be posted upon the bulletin board and not upon walls, doors, file cabinets, or any other place. Posted materials shall not be obscene, defamatory, or of a partisan political nature, misleading, in violation of any Federal, State, or local ordinance, law, statute or rule. Such material shall not pertain to public issues that do not involve the employer and its relations with employees. All posted materials shall be neatly displayed and bear the identity of the sponsor and the date of posting. Unless special arrangements are made, the materials posted will be removed thirty-one (31) days after the date of posting. The employer reserves the right to determine where bulletin boards may be used. Any employee organization that does not abide by these rules may forfeit its right to have a bulletin board.
- To reasonable access to non-confidential information pertaining to employment relations as contained in the public records of the employer, subject to limitations and conditions set forth in this rule and §§ 6250-6260 of the California Government Code. Such information will be made available during regular office hours and after payment of reasonable cost, where applicable. Nothing herein shall be construed to require disclosures that constitute an unwarranted invasion of privacy or are gathered pursuant to promises to keep the source confidential. Nor shall anything herein be construed to require disclosure of records that are working papers or memoranda not retained in the ordinary course of business, records pertaining to the litigation to which the employer is party or to claims or appeals which have not been settled. The employer shall not be required to do research or assemble data in a manner other than that usually done by the employer.
- Except in cases of emergency as provided herein, to have reasonable written notice of any proposed ordinance, rule, resolution, or regulations directly relating to matters within the scope of its representation and the opportunity to meet and consult with the employer representative prior to the adoption of such proposal. In cases of emergency when the employer governing body determines that an ordinance, rule, resolution, or regulation must be adopted immediately without prior notice or meeting and conferring with an Exclusively Recognized Employee Organization, the employer representative shall provide such notice and opportunity to meet and confer at the earliest practical time following the adoption of such ordinance, rules, resolution, or regulation.
- To have an employee representative who may contact members of his/her organization in employer facilities provided he/she has first made arrangements with the management or supervisory employee in charge and has arranged for a time not during regular work time. This right does not extend to contacting employer employees who

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are not members of the particular employee organization and soliciting membership or representation rights in an employee organization that shall not be done in employer facilities.

- To have a reasonable number of employee representatives allowed reasonable time off without loss of compensation or other benefits when formally meeting and conferring with the employer representative about matters within the scope of representation.
- Any other rights granted recognized employee organizations in §§3500-3511 of the California Government Code.

4.5 Scope of Representation

Upon request, a recognized employee organization shall have the right to meet and confer in good faith to negotiate wages, hours, and other terms and conditions of employment with the appropriate level of management. Terms and conditions of employment are defined as wages, hours, health and welfare benefits, leave and transfer policies, safety conditions, procedures to be used for the evaluation of employees, layoff procedures, procedures for processing grievances and disciplinary appeals, and all other conditions as determined by law.

If the representatives of the City and a recognized employee organization reach agreement, the agreement shall be jointly presented to the City for its consideration and ratification of a written memorandum of such understanding.

The City may adopt reasonable rules and regulations after meeting in good faith with representatives of the recognized employee organizations concerning the administration of employer/employee relations under this policy.

The City shall give reasonable written notice to each recognized employee organization of any proposed rule or regulation relating to matters within the scope of representation set forth in this policy.

4.6 Filing of Recognition Petition

An employee organization seeking to be formally recognized as the exclusive employee organization representing the employees in an appropriate unit shall file a petition with the Employer-Employee Relations Officer containing the following information and documentation:

- a) Name and address of the employee organization.
- b) Names and titles of its officers.
- c) Names of employee organization representatives.
- d) A statement that the employee organization has as one of its primary purposes, representing employees in their employment relations with the City.
- e) A statement concerning whether the employee organization is a chapter of, or affiliated directly or indirectly in any manner with, a local, regional, state, national, or international organization and, if so, the name and address of each organization.

- f) Copies of the employee organization's constitution and by-laws.
- g) A designation of those persons, not exceeding (2) two, and their addresses, to whom notice sent by regular United States mail will be deemed sufficient notice on the employee organization for any purpose.
- h) A statement that the employee organization has no restriction on membership based on race, color, ancestry (including language use), national origin, citizenship, possession of a driver's license issued under Section 12801.9 of the Vehicle Code, religious creed, religious belief or grooming (including dress or grooming practices), sex (which is defined to include gender (including sex stereotyping), and also including a person's gender identity (i.e. a person's identification as male, female, a gender different from the person's sex at birth, or transgender); gender expression (i.e. a person's gender-related appearance or behavior, whether or not stereo-typically associated with the person's sex at birth); transgender (i.e. a person whose gender identity differs from the person's sex at birth); pregnancy or medical conditions related to pregnancy; childbirth or medical conditions related to childbirth; breastfeeding or medical conditions related to breastfeeding; and sexual orientation), marital or domestic partner status, age, medical condition (including, but not limited to cancer, AIDS and HIV), physical or mental disability (the term disabled or disability shall be construed to apply to those individuals covered by Title 2 California Administrative Code, Section 7293.6 (c) et seq. and 42 U.S. Code Section 12102 and the regulations promulgated pursuant to that section), genetic information or characteristics, status as a victim of domestic violence, sexual assault or stalking, military or veteran status, or any other legally protected category, as required by applicable federal and state laws.
- i) The job classifications or titles of employees in the unit claimed to be appropriate and the approximate number of member employees therein.
- j) Proof of employee support, as defined by at least thirty percent (30%) of the employees in the unit claimed to be appropriate, that they desire the named organization to represent them in employer/employee relations.
- k) A request that the City formally recognize the petitioner as the exclusively recognized employee organization representing the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith.
- l) The petition, and all other documents, shall be declared to be true, correct, and complete, under penalty of perjury by the duly authorized officers of the employee organization executing it.

4.7 City Review of Recognition Petition/Notice to Employees

Following receipt of the petition, the Employer-Employee Relations Officer shall determine whether:

a) The petition complies with the requirements of this policy, and

b) The proposed representation unit is an appropriate unit in accordance with these rules. If the Employer-Employee Relations Officer makes an affirmative determination, the petitioning employee organization shall be informed. The Employer-Employee Relations Officer will then give written notice of the request for recognition to the employees in the unit and will not act on the request for the next twenty (20) workdays. Posting the request in conspicuous City locations shall constitute written notice to the employees.

If the Employer-Employee Relations Officer does not make an affirmative determination, an offer to consult with the petitioning employee organization shall be extended. If the determination of the Employer-Employee Relations Officer remains unchanged, the organization shall be informed of the reasons in writing. The petitioning employee organization may appeal the determination in accordance with the rules.

4.8 Challenging Petitions/Overlapping Units

Within twenty (20) workdays of the date written notice was given to affected employees that a valid recognition petition for an appropriate unit has been filed, any other employee organization may file a competing request to be formally recognized as the exclusively recognized employee organization of the employees in the same or in an overlapping unit. An overlapping unit is defined as one which corresponds with respect to some but not all the classifications or positions set forth in the recognition petition being challenged.

The competing request must include documentation evidencing proof of employee support in the representation unit of at least thirty (30) percent of the employees and otherwise in the same form and manner as set forth in these rules. If such challenging petition seeks establishment of an overlapping unit, the Employer-Employee Relations Officer shall consult with the petitioning employee organizations for the purpose of ascertaining the more appropriate unit. The Employer-Employee Relations Officer shall determine the appropriate unit or units in accordance with the standards in these rules. The petitioning employee organizations shall have fifteen (15) days from the date notice of unit determination is communicated to them by the Employer-Employee Relations Officer to amend their petitions to conform to such determination or to appeal pursuant to these rules.

4.9 Appropriate Unit

The policy objectives in determining the appropriateness of units shall be the effect of a proposed unit on:

- A. The efficient operations of the City, its compatibility with the responsibility of effectively and economically serving the public, and
- B. Providing employees with effective representation based on recognized community of interest considerations.

These policy objectives require that the appropriate unit shall be the broadest feasible grouping of positions that share an identifiable community of interest. Factors to be considered are:

- a) The effect of the proposed unit on the efficient operation of City services and on employer/employee relations.
- b) Consistency with the organizational patterns of the City.
- c) The history of employee relations in the unit, among other employees in the City, and in similar public employment.
- d) Similarity of duties, skills, and working conditions of employees.
- e) No City employment classification title shall be included in more than one representation unit.
- f) Professional employees shall not be denied the right to be represented separately from nonprofessional employees by a professional employee organization.
- g) Management employees may only be represented by an organization(s) that is composed solely of such employees and that does not represent other employees of the City.
- h) Confidential employees may not be represented in a bargaining unit together with non-confidential employees.
- i) Elected and appointed officials shall not be members of any unit.

4.10 Procedure for Modification of Established Appropriate Units

Requests by employee organizations for modifications of established appropriate units may be considered by the Employer-Employee Relations Officer within 120 to 150 days prior to the expiration date of the memorandum of understanding. Such documentation shall be submitted in accordance with the requirements set forth in this Section and shall contain a complete statement of all relevant facts and citations in support of the proposed modified unit in terms of the policies and standards set forth herein. The Employer-Employee Relations Officer may, at any time, propose on his/her own that an established unit be modified. The Employer-Employee Relations Officer shall process unit modification requests as stated below:

- A. The Employer-Employee Relations Officer shall give written notice of the proposed modifications to all affected employee organizations and shall hold a meeting concerning the proposed modifications. All affected employee organizations shall be heard at that time.
- B. Thereafter, and within fifteen (15) workdays of the meeting, the Employer-Employee Relations Officer shall determine the composition of the appropriate unit or units in accordance with these rules and shall give written notice of such determination to the affected employee organizations.
- C. The Employer-Employee Relations Officer may after notice to and meeting and conferring with affected employee organizations allocate new classifications and reallocate or delete classifications or positions in accordance with the provisions of these rules.
- D. The addition of new classifications or the deletion of existing classifications may be done at any time and may not be considered a modification of the unit if, in the determination of

the Employer-Employee Relations Officer, such additions or deletions have no significance impact on the appropriateness of the units.

- E. If a unit is modified pursuant to the decision of the Employer-Employee Relations Officer, employee organizations may file petitions for a new appropriate unit(s) pursuant to these rules.
- F. There shall not be more than one election for bargaining unit representative in a twelve (12) month period affecting the same bargaining unit.
- G. Any determinations made by the Employer-Employee Relations Officer are subject to appeal as provided in these rules.

4.11 Procedure for Decertification of Exclusively Recognized Employee Organizations

Proof of employee support that the incumbent exclusively recognized employee organization no longer represents a majority of the employees in an established appropriate unit may be filed with the Employer-Employee Relations Officer within 120 to 150 days prior to the expiration of the agreement. Such documentation may be filed by two or more employees, their representative or an employee organization and shall contain the following information and documentation declared by the duly authorized signatory under penalty of perjury to be true, correct and complete:

- a) The name, address, and telephone numbers of the petitioner and a designated representative authorized to receive notices or requests for further information.
- b) The name of the established appropriate unit and of the incumbent exclusively recognized employee organization sought to be decertified as the representative of that unit.
- c) An allegation that the incumbent exclusively recognized employee organization no longer represents a majority of the employees in the appropriate unit, and any other relevant and material facts.
- d) Proof of employee support that at least thirty percent (30%) of the employees in the established appropriate unit no longer desire to be represented by the incumbent exclusively recognized employee organization. Such proof shall be submitted for confirmation to the Employer-Employee Relations Officer within the time limits specified in the first paragraph of this Section.
- e) Within fifteen (15) workdays of the submittal of the proof, the Employer-Employee Relations Officer shall initially determine whether the documentation was filed in compliance with the applicable provisions of this Section. If the determination is in the negative, an offer to consult with the representatives of such petitioning employees or employee organization shall be extended. If the determination remains unchanged, the documentation relating to the determination shall be forwarded to the employees or employee organization with a statement of the reasons in writing. The petitioning employees or employee organization may appeal such determination in accordance with these rules. If the determination of the Employer-Employee Relations Officer is in the affirmative, or if the negative determination is reversed on appeal, written notice of the Decertification of Recognition documentation shall be given to the incumbent exclusively recognized

employee organization and to unit employees. The Employer-Employee Relations Officer shall arrange for a secret ballot election to be held on or about fifteen (15) days after such notice to determine the wishes of unit employees as to the question of decertification. Such election shall be conducted in conformance with this policy.

4.12 Election Procedure

- A. If less than seventy percent (70%) of the employees in the unit claimed to be appropriate sign the petition, or in some other way demonstrate to the Employer-Employee Relations Officer support, an election shall be conducted pursuant to this section. Within twenty (20) calendar days of the last date that a recognition petition can be filed, as determined by the Employer-Employee Relations Officer or as decided by an appeal, the Employer-Employee Relations Officer shall arrange for a secret ballot election to be conducted in accordance with these provisions. All employee organizations that have filed petitions that have been determined to conform to these rules shall be included on the ballot. The choice of “No Organization” shall also be included on the ballot. Employees entitled to vote in the election shall be those persons employed in regular full and part-time positions within the designated appropriate unit who were employed during the pay period immediately prior to the date the election commences, including those who did not work during such period because of illness, vacation or other authorized leaves of absence, and who are employed by the city in the same unit on the date of the election.
- B. The election shall be conducted by the California State Mediation and Conciliation Service unless both parties agree on another entity referred to as the Election Supervisor.
- C. The costs of conducting elections, if any, shall be borne in equal shares by the City and each employee organization appearing on the ballot. If the election is called at the request of the City, the City shall bear all normal election expenses.
- D. The Election Supervisor shall have the final authority to make such arrangements and ruling as deemed necessary to carry out the election. No later than twenty (20) days before the election, the Election Supervisor shall meet with the eligible employee organizations to discuss the election arrangement and rules. The rules shall be made available to the organization no later than ten (10) days before the election.
- E. An employee organization shall be formally recognized as the exclusively recognized employee organization for the appropriate unit following an election or runoff election if it receives a numerical majority (more than 50%) of valid votes.
- F. In an election where there are more than two choices on the ballot, including the choice of “No Organization,” and none of the choices receive a majority of the votes cast by the employees, a runoff election shall be conducted between the choices receiving the largest and second largest number of votes.
- G. Each eligible employee organization shall submit to the Employer-Employee Relations Officer the designation it desires on the ballot no later than twenty (20) calendar days

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before the election. Such designation shall be the official name of the organization as submitted in their bylaws pursuant to these rules or an abbreviated version. If any organization fails to submit a designation, the Employer-Employee Relations Officer shall prepare a designation for use on the ballot. The order in which the eligible choices appear on the ballot shall be determined by lot.

- H. The ballots shall include the question “Do you wish to be represented in respect to wages, hours, and other conditions of employment by?” Following the question, the eligible choices shall be listed on the ballot in the order determined by lot. The eligible choices shall also include the choice of “No organization.”
- I. A notice of election in a form approved by the Elections Supervisor shall be posted at locations servicing employees in the unit involved at least five (5) days prior to the election.
- J. If agreed to by the organizations appearing on the ballot and the Employer-Employee Relations Officer, each eligible employee organization and the City are authorized to provide one observer at each polling place. A party desiring observers shall provide for those observers at its own expense. Each party shall be responsible for the presence of their observers and no balloting or counting shall be delayed due to the absence of one or more observers.
- K. Any authorized observer may challenge the eligibility of a voter. It shall be the duty of the Election Supervisor to place the challenged ballot in a sealed envelope indicating that the voter in question has cast a challenged ballot.
- L. The Election Supervisor shall subsequently determine the eligibility of the voter and either count or reject the vote. The decision of the election Supervisor shall not be subject to appeal and shall be final and binding on all parties. The Election Supervisor may employ, at no expense to the eligible registered organizations, assistants in the conduct of the election. These assistants must be persons normally employed as election officials by the City who are not City employees. The election Supervisor may also use the services of the Registrar of Voters and their staff. Persons who are used by the Election Supervisor are charged with strict neutrality in the conduct of their duties.
- M. Voting locations shall be agreed to by the parties or designated by the Election Supervisor after consultation with the parties no later than fifteen (15) days before the election. The election will be by secret ballot and voters will vote without fear, restraint, or coercion.
- N. At the conclusion of the election and after disposing of the challenged ballots, the Election Supervisor shall count all the ballots and certify the results of the election. These results shall be final and binding on the parties.
- O. The Election Supervisor is hereby authorized to make such administrative and procedural rulings as deemed necessary to carry out the elections. A violation of these rules by a party may serve to void the election. The election Supervisor shall have the sole authority to make a ruling under this section.

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- P. Any of the above election procedures as set forth in paragraphs B through O may be altered or waived by mutual agreement of the parties.

4.13 Granting Exclusive Recognition

Upon a determination that an employee organization has received a majority of ballots cast in an election, the City shall, by resolution, grant exclusive recognition for the appropriate bargaining unit. A new exclusively recognized employee organization shall assume the terms and conditions of any existing memorandum of understanding.

4.14 Appeals

An employee organization aggrieved by a recognition petition, an appropriate unit or decertification determination may, within ten (10) days of notice, appeal such determination to the City Council for final decision.

4.15 Meeting and Conferring

- A. Only recognized employee organization(s) in established representation units shall be entitled to meet and confer with the designated management representatives on wages, hours, and other terms and conditions of employment for such units.
- B. The City is under no obligation to meet and confer with employee organizations who willfully violate any of the provisions of this policy, or who are engaged in any illegal action against the City. The City shall give written notice to employee organizations describing any alleged illegal activity and the City's proposed resolution. The employee organization shall have five (5) workdays from receipt of the notice to cease and desist the illegal activity or to request a meeting for the purpose of discussing resolution of the matter.
- C. Meeting and conferring shall not be required on any subject preempted by Federal or State law, rule, or regulation. Proposed amendments to this policy shall be subject to consultation after reasonable notice.
- D. Agreements reached as a result of meeting and conferring shall be incorporated in a written memorandum of understanding signed by the City representative and the designated representative of the recognized employee organization. Signed memorandums of understanding shall be mutually submitted to the City and the recognized employee organization but shall not be in effect or binding on the parties until formally approved by the City.

4.16 Initiation of Impasse Procedures

If the meet and confer process has reached impasse as defined in this policy, either party may initiate the impasse procedures by filing a written request for an impasse meeting and a statement of its position on all disputed issues with the City. The City shall then schedule an impasse meeting within ten (10) workdays.

The purpose of such impasse meeting shall be as follows:

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- A. To identify and specify in writing those issue(s) that remain in dispute;
- B. To review the position of the parties in a final effort to resolve such disputed issue(s); and
- C. If the dispute is not resolved, to discuss arrangements for the utilization of the impasse procedures provided.

4.17 Mediation

- A. After a declaration of impasse, either party may request mediation. The mediator shall be selected from a panel provided by the California State Conciliation Service unless both parties agree to another mediator. All mediation proceedings shall be private. The mediator shall make no public recommendation, nor take any public position at any time concerning the issue(s).
- B. If the parties fail to resolve the dispute through mediation within fifteen (15) workdays after the mediator commences meeting with the parties, the parties may mutually agree to submit the impasse to fact-finding.

4.18 Fact-Finding

The parties may submit the impasse to fact-finding and may agree on appointment of one or more factfinders. If they fail to agree on one or more factfinders, a fact-finding panel of three shall be appointed. The panel will be composed of one member appointed by the City, one member appointed by the recognized employee organization, and a third member appointed by the other two, who shall be the chairperson. If they are unable to agree upon a third, they shall select the third member from one or more lists of names provided by the California State Conciliation Service. The following constitute the jurisdictional and procedural requirements for fact-finding:

- A. The factfinders shall consider and be guided by applicable federal and state laws.
- B. Subject to the stipulations of the parties, the factfinders shall determine and apply the following measures and criteria in arriving at their findings and recommendations:
 - 1. As relevant to the issues in dispute, the factfinders shall compare the total compensation, hours, and conditions of employment of the employees involved with the total compensation, hours, and conditions of employment of other employees performing similar services in public employment in at least five comparable cities. "Total compensation" shall mean all wage compensation, including but not limited to, premium, incentive, minimum, standby, out-of-class and deferred pay; all paid leave time; all allowances, and all benefits.
 - 2. The facts-finders shall then adjust the results of the above comparisons based on the equitable factors of relationships between job classifications and positions within the City, the benefits of City job stability and continuity of employment, and the difficulty, or lack thereof, of recruiting and retaining qualified personnel.

3. The factfinders shall then determine recommendations based on the comparisons as adjusted above subject to the financial resources of the City to implement them. The factfinders shall also consider other legislatively determined and projected demands on City resources, assurance of sufficient and sound budgetary reserves, and statutory or other limitations on tax and other revenues and expenditures.
- C. The factfinders shall make written findings of fact and recommendations for the resolution of the issue(s) in dispute, which shall be presented in terms of the criteria, adjustments, and limitations specified above. Any member of a fact-finding panel shall be accorded the right to file dissenting written findings of fact and recommendations. The factfinder or chairperson of the panel shall serve such findings and recommendations on the City and the designated representative of the recognized employee organization.
 - D. The parties can either agree to the factfinders' recommendations, agree to resume meeting and conferring, or to take such action as permitted by law.

4.19 Costs of Impasse Procedures

The costs, if any, for the services of a mediator and fact-find panel used by the parties and other mutually incurred costs of mediation and fact-finding, shall be borne equally by the City and the recognized employee organization. The cost for a fact-finding panel member selected by each party and other separately incurred costs shall be borne by the party.

4.20 Construction

This policy shall be administered and construed as follows:

- A. While this policy shall prevail over any other policy, resolution, rule, or memorandum of understanding, nothing in this policy shall be construed to deny to any person, employee, organization, the City, or any authorized officer, body, or other representative of the City, the rights, powers, and authority granted by Federal or State law.
- B. This policy shall be interpreted to carry out its purpose as set forth in Section 4.1.
- C. The employees and their recognized employee organizations may be given reasonable access to City facilities for the purpose of performing their authorized activities as provided herein and in the memorandum of understanding.

4.21 Illegal Activity

Nothing in this policy shall be construed as making the provisions of California Labor Code § 923 applicable to City employees or employee organizations, or of giving employees or employee organizations the right to participate in, support, cooperate or encourage, directly or indirectly, any strike, sick-out or other total or partial stoppage or slowdown of work. In the event employees engage in such actions, they shall be subject to possible disciplinary action up to and including termination and may be deemed to have abandoned their employment. If an employee organization is found by the City, after a public hearing, to have engaged in such activity, the City

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may withdraw all rights accorded the organization under this policy for a period up to one year from commencement of such activity.

4.22 Severability

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

5. EQUAL EMPLOYMENT OPPORTUNITY

5.1 EEO Policy Statement.

The City is an equal opportunity employer and makes employment decisions on the basis of merit. The City strives to have the best available person in every job. City policy prohibits unlawful discrimination based on race, color, ancestry (including language use), national origin, citizenship, possession of a driver's license issued under Section 12801.9 of the Vehicle Code, religious creed, religious belief or grooming (including dress or grooming practices), sex (which is defined to include gender (including sex stereotyping), and also including a person's gender identity (i.e. a person's identification as male, female, a gender different from the person's sex at birth, or transgender); gender expression (i.e. a person's gender-related appearance or behavior, whether or not stereo-typically associated with the person's sex at birth); transgender (i.e. a person whose gender identity differs from the person's sex at birth); pregnancy or medical conditions related to pregnancy; childbirth or medical conditions related to childbirth; breastfeeding or medical conditions related to breastfeeding; and sexual orientation), marital or domestic partner status, age, medical condition (including, but not limited to cancer, AIDS and HIV), physical or mental disability (the term disabled or disability shall be construed to apply to those individuals covered by Title 2 California Administrative Code, Section 7293.6 (c) et seq. and 42 U.S. Code Section 12102 and the regulations promulgated pursuant to that section), genetic information or characteristics, status as a victim of domestic violence, sexual assault or stalking, military or veteran status, or any other legally protected category, as required by applicable federal and state laws.

The City is committed to complying with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in City operations and prohibits unlawful discrimination by any City employee, including supervisors and co-workers.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, the City will make reasonable accommodations for the known physical or mental disabilities of an otherwise qualified employee or applicant who cannot perform the essential functions of his/her job without such accommodation, unless the provision of any given reasonable accommodation would impose undue hardships on City operations, a direct threat to health and safety, or other job-related considerations prevent the City from accommodating the employee's or applicant's disability. Determination of appropriate reasonable accommodations will be established through an interactive process between the City and the effected employee, which the City is committed to conducting in good faith.

5.2 Equal Employment Opportunity Program

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To meet its commitment to complying with applicable federal and state equal employment opportunity laws, as well as to achieve the benefit of having a diverse workforce, the City of Elk Grove is committed to an active Equal Employment Opportunity Program (EEO). All recruitment, hiring, placements, transfers, and promotions will be on the basis of individual skills, knowledge and abilities, and the feasibility of any necessary job accommodation, regardless of the above identified bases. All other personnel actions such as compensation, benefits, layoffs, terminations, training, etc., are also administered without discrimination. Equal employment opportunity (EEO) will be promoted through a continual and progressive EEO.

The objective of an EEO is to ensure non-discrimination in employment and wherever possible, to actively recruit and include for consideration for employment individuals in protected classifications as identified in applicable federal and state laws and as enumerated in Section 5.1 of these Rules and Regulations.

The Human Resources Manager has been designated EEO Coordinator. Inquiries concerning the application of federal and state laws and regulations should be referred to him/her. The coordinator is responsible for administering program progress and initiating corrective action when appropriate. All personnel actions are monitored and analyzed to ensure the adherence of this policy.

To achieve the goals of the City's EEO, it is necessary that each employee and official, understand the importance of the program and his/her individual responsibility to contribute towards its maximum fulfillment.

5.3 EEO Objectives

The objective for providing employment opportunity to persons from minority and disadvantaged groups is to provide opportunities to minority and disadvantaged persons to be employed in all classifications and departments including supervisory, technical, and administrative, as well as unskilled positions, on the basis of equal employment opportunity principles.

5.4 General Policy Prohibiting Discrimination, Harassment, or Retaliation.

As stated above, the City is committed to the principle that equal employment opportunity must be afforded to all persons regardless of race, color, ancestry (including language use), national origin, citizenship, possession of a driver's license issued under Section 12801.9 of the Vehicle Code, religious creed, religious belief or grooming (including dress or grooming practices), sex (which is defined to include gender (including sex stereotyping), and also including a person's gender identity (i.e. a person's identification as male, female, a gender different from the person's sex at birth, or transgender); gender expression (i.e. a person's gender-related appearance or behavior, whether or not stereo-typically associated with the person's sex at birth); transgender (i.e. a person whose gender identity differs from the person's sex at birth); pregnancy or medical conditions related to pregnancy; childbirth or medical conditions related to childbirth; breastfeeding or medical conditions related to breastfeeding; and sexual orientation), marital or domestic partner status, age, medical condition (including, but not limited to cancer, AIDS and HIV), physical or mental disability (the term disabled or disability shall be construed to apply to those individuals covered by Title 2 California Administrative Code, Section 7293.6 (c) et seq. and 42 U.S. Code Section 12102 and the regulations promulgated pursuant to that section), genetic

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information or characteristics, status as a victim of domestic violence, sexual assault or stalking, military or veteran status, or any other legally protected category, as required by applicable federal and state laws. No person shall suffer discrimination, harassment, or retaliation in his or her employment or with respect to any term or condition of employment by any City employee, manager or supervisor or by any volunteer, vendor, contractor or other third party who may be in the workplace by reason of such person's status in one or more of the protected classifications as enumerated above.

The City recognizes that equal employment opportunity may be ensured only by a carefully administered and practiced program designed to eliminate any practices, standards or conditions tending to result in discrimination, harassment, or retaliation and by initiating positive efforts in recruitment, examination, selection, promotion, pay and training procedures to extend equal employment opportunities to all qualified persons without limiting, segregating or classifying employees or applicants for employment in any way which would deprive any individual of employment opportunities or otherwise adversely affect his or her status as an employee because of such individual's race, color, ancestry, national origin, religious creed, belief or grooming, sex (including sexual orientation, gender identity, gender expression, transgender, pregnancy, childbirth, and medical conditions related to pregnancy, childbirth or breast feeding), marital status, age, medical condition, physical or mental disability, genetic information, military or veteran status, or any other legally protected category.

5.5 Specific Policy Regarding Prohibited Harassment, Including Sexual Harassment.

The City is committed to providing a work environment free from unwelcome harassment resulting from an individual's status in one or more of the protected classes enumerated above. This policy includes, but is not limited to, ensuring that the workplace is free from behavior constituting sexual harassment as defined below. This anti-harassment policy applies to all employees, including permanent, probationary, extra help, part-time and temporary employees and volunteers and paid and unpaid interns. Harassment of an individual because of their status in a protected class, including but not limited to sexual harassment, is an unlawful employment practice prohibited by state and federal law. It is also unapproved and unacceptable work behavior that will not be tolerated by the City. City employees, managers, supervisors, contractors, vendors, volunteers, interns and all other third parties who may be in the workplace are expected to adhere to a standard of conduct while on the job or on City property that consists of respect and courtesy towards other employees and persons. All such persons shall under no circumstances engage in behavior which constitutes harassment of an individual because of their status in a protected classification, including but not limited to, sexual harassment. City officials and employees who are found to committed workplace harassment will be subject to firm disciplinary action up to and including termination of employment.

In order to prevent unlawful workplace harassment, management and supervisory employees are responsible for, among other things, informing employees of the City policy and complaint procedure, and promptly reporting all complaints of workplace harassment to the Department Head and the Human Resources Department for investigation. It is also the responsibility of the Department Head to take appropriate disciplinary action if the findings of the investigation indicate workplace harassment has occurred.

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Prohibited harassment is unwelcome or offensive conduct with the purpose or effect of unreasonably interfering with an individual's work performance, or which creates an intimidating, hostile or offensive working environment that is motivated by or directed to an employee on the basis of the employee's race, color, ancestry, national origin, religious creed, belief or grooming, sex, (including sexual orientation, gender identity, gender expression, transgender, pregnancy, childbirth, medical conditions related to pregnancy, childbirth or breast feeding), marital status, age, medical condition, physical or mental disability, genetic information, military or veteran status, or any other legally protected category.

Sexual harassment specifically is defined as any unwelcome sexual advance, request for sexual favors, or other verbal, physical or visual conduct of a sexual nature that occurs under any of these circumstances:

Where submission to such conduct is either explicitly or implicitly a term or condition of employment, including advancement or receipt of other job-related benefits;

Where submission to or rejection of such conduct by an employee is used as a basis for employment decisions affecting the employee;

Where unlawful conduct unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive working environment. The type of conduct that may constitute sexual harassment when it occurs under the foregoing circumstances includes making unsolicited written or oral communications and physical or visual contact with sexual overtones (e.g. making, sending, or displaying sexually suggestive or obscene letters, notes, invitations, slurs, jokes, gestures, objects, pictures, cartoons or posters). Note that conduct may constitute sexual harassment even when the harassing conduct was not motivated by sexual desire.

Examples of sexually harassing behavior include, but are not limited to, the following:

1. Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
2. Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings or gestures;
3. Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race or any other protected basis;
4. Gender-based or gender-perceived harassment, even if the offensive conduct is not sexual in nature;
5. Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and offers of employment benefits in return for sexual favors; and

5.6 [Anti-Retaliation Policy.](#)

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The City strictly prohibits any form of retaliation against any applicant or employee who, in good faith, makes a complaint, raises a concern, provides information, or otherwise assists in an investigation, complaint or proceeding related to any alleged violation of this policy. The City is committed to ensuring that all employees feel comfortable in raising issues regarding conduct that violates this policy without fear of retaliation. It also is intended to encourage City employees to cooperate in investigations of alleged violations of this policy by providing honest, truthful, and complete information without fear of retaliation.

Retaliation prohibited by this policy includes, but is not limited to, any one or more of the following that is substantially related to making a complaint, raising a concern, providing information, or otherwise assisting in an investigation or proceeding related to any alleged violation of this policy:

1. Intimidation;
2. Adverse actions with respect to the terms and conditions of employment including, but not limited to, criticism, transfer, demotion, discipline, and/or termination;
3. Threats of any of the above.

5.7 Discrimination/Harassment/Retaliation Complaints and Investigations.

The process described in this policy is intended to provide the means by which employees may make complaints, raise concerns, or provide information regarding conduct in the workplace that an employee believes, in good faith, constitutes unlawful discrimination, harassment, and/or retaliation in violation of the City's policies prohibiting discrimination, harassment, and retaliation.

Employees are encouraged to first discuss any complaints or concerns of discrimination, harassment, or retaliation with their immediate supervisor or their appointing authority. If an employee feels uncomfortable addressing his or her complaint or concern with his or her immediate supervisor or appointing authority, or such discussion produces no satisfactory result, the employee shall raise his or her complaint or concern through the following procedure:

A. Initial Informal Pre-Complaint Counseling

1. Any applicant or employee who feels uncomfortable addressing his or her complaint or concern with his or her Department Head or such discussion produces no satisfactory result, is encouraged to discuss his/her complaints or concerns regarding unlawful discrimination, harassment, or retaliation informally with the City's Human Resources Manager as soon as possible after the occurrence of the alleged incident. At the initial meeting, the Human Resources Manager shall inform the complainant of the opportunity to file a formal complaint with the City and shall attempt to resolve the complaint. Such informal discussion shall remain confidential to the extent legally possible, unless the complainant takes some further action.

2. Where resolution is not immediately obtainable and the complainant requests further investigation, the Human Resources Manager shall conduct an informal inquiry of all relevant parties, including the Department Head, in order to resolve the claim to the reasonable satisfaction of the complainant and the City. The Human Resources Manager shall ensure this process is completed in a prompt and timely matter from the date of the initial contact with the employee. The Human Resources Manager will maintain communication with all relevant parties throughout the process. At the conclusion of the informal process, the complainant shall be given a letter summarizing the outcome.

B. Formal Complaint of Employment Discrimination, Harassment, and/or Retaliation.

1. As soon as possible, and in no case more than thirty (30) days after an alleged incident of discrimination, harassment, or retaliation, an applicant or employee may file a written complaint with the Human Resources Manager. The complainant shall state the facts upon which the allegation of discrimination is based, any resulting adverse employment action, and any remedy sought. The Human Resources Manager shall discuss the complaint and all applicable procedures with the complainant.
2. Upon receipt of a formal complaint of discrimination, harassment, or retaliation, and upon the determination that an investigation is warranted, the Human Resources Manager shall promptly do all of the following:
 - a. Notify all relevant parties, including the appropriate Department Head, of the complaint.
 - b. Investigate, or oversee a fair, timely, thorough and impartial investigation of the allegations by a qualified investigator, and document and track the investigation's progress so as to ensure reasonable and timely progress and closure.
 - c. Complete, or cause to be completed, a written report setting forth a statement of the allegations, factual findings and conclusions based on the evidence collected, and recommended remedial or corrective actions, if any.
 - d. Discuss the findings of the investigation with appropriate individuals. In cases where a finding of misconduct in violation of this policy is sustained, appropriate remedial measures will be discussed and taken, as fashioned by the Human Resources Manager. At the conclusion of the investigation, the complainant shall be given a letter, summarizing the investigation outcome, findings and appropriate remedial measures if any.

All parties shall cooperate fully with the Human Resources Manager, who shall have access to any

and all records necessary for completion of the investigation. All employees involved as a party or witness in an investigation pursuant to this policy are required to answer all questions truthfully and fully. The investigation process will be completed in a prompt and timely matter. The amount of time necessary to complete the investigation will depend in each circumstance on the availability of all relevant parties, access to relevant documentation, and other circumstances that may extend the time period involved to allow completion of the investigation and recommendation. The Human Resources Manager will maintain communication with all relevant parties throughout the investigation process.

5.8 Confidentiality

Every possible effort will be made to assure the confidentiality of complaints made under this policy. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent possible. The City will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

5.9 Responsibilities

- A. Managers and Supervisors are responsible for:
- Informing employees of this policy.
 - Modeling appropriate behavior.
 - Taking all steps necessary to prevent harassment, discrimination, or retaliation from occurring.
 - Receiving complaints in a fair and serious manner, and documenting steps taken to resolve complaints.
 - Monitoring the work environment and taking immediate appropriate actions to stop potential violations, such as removing inappropriate pictures or correcting inappropriate language.
 - Following up with those who have complained to ensure that the behavior has stopped and that there are no reprisals.
 - Assisting, advising, or consulting with employees and the Human Resources Department regarding this policy, and complaint procedure.
 - Assisting in the investigation of complaints involving employee(s) in their departments and, if the complaint is substantiated, recommending appropriate corrective or disciplinary action in accordance with City Personnel Rules, up to and including termination.
 - Implementing appropriate disciplinary and remedial actions.
 - Reporting potential violations of this policy of which he or she becomes aware, regardless of whether a complaint has been submitted, to the Human Resources Department or the Department Head.
 - Participating in periodic training.
- B. Each employee, contractor or volunteer is responsible for:
- Treating all employees, contractors and volunteers with respect and consideration.
 - Modeling appropriate behavior.

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- Participating in periodic training.
- Fully cooperating with any City investigations by responding fully and truthfully to all questions posed during the investigation.
- Maintaining the confidentiality of any investigation that the City conducts but not disclosing the substance of any investigatory interview, except as directed by the department head or the Human Resources Department.
- Reporting any act, he or she believes in good faith constitutes harassment, discrimination, or retaliation as defined in this policy, to his or her immediate supervisor, or Department Head, or the Human Resources Department.

5.10 Contacting State and Federal Authorities Regarding Discrimination

All employees have the option to report harassment, discrimination, or retaliation to administrative agencies outside of the City. Those agencies are the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These administrative agencies offer legal remedies and a complaint process.

5.11 Dissemination of Policy

All employees shall receive a copy of this policy when they are hired. The policy may be updated from time to time and redistributed.

6. HIRING PROCESS

6.1 Announcement of Vacancy

All vacancies in full-time or management positions, except Department Heads, shall be posted by The Human Resources Department. If the City Manager determines that sufficient candidates exist within the City, the City Manager may limit eligibility for the position to current City employees. If there are not sufficient candidates within the City of Elk Grove workforce, then recruitment shall include external advertisement. The City Manager may fill a position without posting if determined to be in the best interests of the City. “Best interests of the City,” as used in this section, includes, but is not limited to, fiscal, staffing, or operational needs of the City, along with the availability of a suitable candidate for the vacant position, such that the City Manager, in his or her best judgment, determines recruiting for the position by posting the vacancy is not warranted. A Department Head need not post for intradepartmental promotions.

6.2 Applications

A separate application must be submitted for each vacancy. The application must be submitted during the announced recruitment period through the city’s electronic application program on the Human Resources website. The application form must be completed in sufficient detail to allow a job-related, comprehensive review and evaluation of the applicant’s qualifications. Failure to file the application during the recruitment period or to complete the application in sufficient detail will constitute failure of the initial step in the examination process and the application will be placed in the inactive files. It is the applicant’s responsibility to notify the Human Resources Department of any change in contact information during the recruitment process. The Human Resources Department shall be responsible to establish rules, procedures, and forms necessary to carry out the provisions of this section.

All applications must be submitted to The Human Resources Department at the City of Elk Grove's Administration building so that they may be entered into the Applicant Tracking system and routed to the appropriate departments. The Human Resources Department will keep job applications on file for one (1) year unless the eligibility list is extended by the Human Resources Officer.

6.3 Qualifications

All applicants for appointment or promotion to a position in the City must be qualified for the work they will be required to do. In determining whether an applicant is qualified, the Human Resources Department shall apply any or all of the following selection processes as may be necessary:

- b) Satisfactory evidence of certification, registration, license, or educational attainment where such requirement is stated in a class specification.
- c) Satisfactory evidence of compliance with experience requirements as set forth in a class specification.
- d) Satisfactory evidence of an applicant's character, integrity, and success in previous employment.
- e) Upon the City making a conditional offer of employment, applicants also will be required to provide evidence relating to any history of criminal convictions. For this reason, the designated DOJ representative within the Human Resources Department is authorized to receive criminal offender record information. If the applicant has a history of criminal conviction(s), the City will make an individualized assessment of whether the applicant is eligible for employment with the City taking into account such factors as the length of time since any criminal conviction, the nature of any criminal conviction, and the nexus between any criminal conviction and the position for which the applicant is applying. If the applicant is deemed ineligible for employment with the City due to a history of criminal conviction(s), the applicant will be so informed and will be further informed of his/her ability to appeal that decision and the process for appealing that decision. This subparagraph is expressly inapplicable to the City's Police Department and applicants for positions with the Police Department. This subparagraph may also be inapplicable to other departments within the City depending upon the nature of the work performed by those departments.
- f) Successful completion of a written, performance, or oral examination, or a combination of two or more of such examinations, designed to test the applicant's knowledge, skills, physical ability, and personal attributes as related to the class of position for which the examination is established. Ratings of such examinations shall be in conformity with the provisions set forth on the examination announcement and shall be applied equably using appropriate scientific techniques and procedures determining the final scores.
- g) Satisfactory evidence of status of the applicant's physical and mental health with regard to the job-related factors of the classification.
- h) Prior to beginning work, all persons selected for appointment must execute a loyalty oath to support and defend the Constitution and also agree to submit to fingerprinting and photographing for the purpose of identification.

6.4 Interviewing Expenses

The City Manager may approve certain reasonable expenses for final applicants.

6.5 Disqualification of Applicants

Reasons applicants may be disqualified from consideration for employment include, but are not limited to:

- They are not eligible to apply for the position;
- They do not possess the minimum qualifications and essential skills for the position;
- They are not physically or mentally fit to perform the duties or assume the responsibilities of the position and reasonable accommodation cannot be made;
- They have demonstrated an unsatisfactory employment record;
- They have made false statements or misrepresentations on their application or in their interview;
 - They violate the City of Elk Grove Employment of Relatives Policy; or
- In the view of management, the applicant would not fill the operational needs of the City of Elk Grove

6.6 Background Checks

The City of Elk Grove may conduct the following background checks:

- Past employment verification (to include a review of the candidate's past City of Elk Grove employment record, if any, and consultation with the candidate's former City of Elk Grove supervisors/managers);
- Education verification (degree, professional license, etc.) credit report, driving record, military record or criminal record; and
- Fingerprint criminal background check utilizing the Department of Justice. This background check is conducted following a conditional offer of employment.
- Employment verification can be accomplished either by telephone or in writing. If the prior employment cannot be verified, the hiring authority should discuss the situation with their manager or Department Head and determine whether it is reasonable to proceed with the hire. After an offer of employment is made, the offer is contingent upon full completion of, and acceptable results from, the background check.
- Medical Examination/Drug Screen

Where positions require a medical examination after an offer of employment is made, the offer is contingent upon full completion of, and acceptable results from, all medical examinations as required or tests that determine the fitness of the employee to perform the duties and responsibilities of the position. Any medical test conducted of an applicant will be job related and consistent with the City's business necessity for conducting such a test. Any such examination or test, which is solely conducted for the purpose of determining fitness for duty, will be paid by the City of Elk Grove. All such examinations or tests will be performed by an independent professional approved by the City of Elk Grove. The successful completion of a drug screen may also be a

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condition of employment and a positive drug screen is sufficient to rescind an offer of employment.

6.7 Moving Expenses

The City Manager may approve reasonable and actual moving expenses for any position.

6.8 Offer Letter

Offers of employment for all regular full-time/year-round and seasonal management positions must be approved by the Human Resources Department, using the City of Elk Grove standard offer letter format.

6.9 Other Conditions

All offers of employment and continued employment are conditioned on the applicant furnishing satisfactory evidence of identity and legal authority to work in the United States of America. Each applicant must attest to his/her identity and legal authority to work in accordance with the applicable federal statute by completing and signing INS Form I-9 (Employment Eligibility Verification). Depending upon the position, offers of employment may also be contingent upon passing a physical examination, background check, submitting documentation of qualifications, and/or obtaining job-required licenses.

6.10 Failure to Appear for Work

If an applicant fails to report for work within the time period prescribed by the City of Elk Grove, the applicant may be deemed to have declined the position.

6.11 Orientation

Each new employee will go through an orientation process for the purpose of becoming familiar with the City of Elk Grove, its philosophy, personnel policies, rules and regulations, procedures, compensation, duties, responsibilities accompanying employment, and the Community.

7. EMPLOYMENT STATUS

7.1 Assignments

Assignments to vacant positions with the City shall be in accordance with ability and fair employment practices. Assignments and promotions may be based on ability and fitness to be ascertained by selection techniques, which will test the qualifications of candidates. Examinations, such as written tests, personal interviews, performance tests, physical agility tests, evaluation of daily work performance, work samples, or any combination of these or other tests, may be used and conducted to aid in the selection of qualified employees. Physical, medical and psychological tests may be given as part of the examination process. In any examination, The Human Resources Department may include, in addition to competitive tests, a qualifying test or tests and set minimum standards thereof.

If sufficient qualified applicants exist at the conclusion of an examination process, the Human Resources Department may establish a list from which to make future assignments. These lists shall remain in effect for twelve (12) months, unless exhausted or abolished by the Human

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Resources Department. Such lists may be extended for additional periods at the discretion of the Human Resources Department.

7.2 Transfer

No person shall be transferred to a position for which he/she does not possess the minimum qualifications. Upon recommendation by the Department Head(s) and approval of the City Manager and Human Resources Manager, an employee may be transferred at any time from one position to another position in a comparable classification. For transfer purposes, a comparable classification is one with the same or similar maximum salary, involves the performance of similar duties and/or requires substantially the same basic qualifications.

Employees that wish to request a transfer may do so by submitting a letter to Human Resources requesting a transfer to an equal or lesser position when one is available. This letter will be kept confidential within the Human Resources Department and when a position opens for which the employee may be qualified, Human Resources will discuss interest with the employee. If the employee is interested in an available position, the employee's interest will be discussed with the managers involved. The Human Resource Manager, in consultation with the Hiring Manager and the City Manager, will decide if the position is appropriate for a transfer and/or whether there will be a competitive process for the position. This decision will be made taking into account the best interest and personnel needs of the City.

7.3 Promotion

When in the best interests of the City, vacancies may be filled by promotion. The City may promote after recruitment and, in some cases, a promotional examination has been given and promotional list established. The Human Resources Department will determine, after consultation with the affected Department Head, whether a promotional or open competitive recruitment would best meet the needs of the City. Prior to any promotion, the internal applicant shall be subject to a review and background check process consistent with section 6.3 through 6.5.

7.4 Demotion

The City Manager may demote an employee whose performance falls below standard, or for disciplinary purposes. Also, upon request of the employee, and with the consent of the City Manager, demotion may be made to a vacant position. No employee shall be demoted to a position for which he/she does not possess the minimum qualifications. Written notice of the demotion shall be given to the employee and a copy filed with the Human Resources Department.

8. CONDITIONS OF EMPLOYMENT

8.1 Status of Department Heads

Department Head employment with the City of Elk Grove is at-will. Except for the City Manager, City Attorney and City Clerk, the City and its Department Heads have not entered into contracts regarding the duration of employment. Department Heads are free to terminate employment with the City at any time, with or without reason or advance notice. Likewise, the City has the right to terminate employment, or otherwise discipline, transfer, demote or take other employment actions at any time, with or without reason or advance notice. No Department Head of the City can enter into an employment contract for a specified period of time or make any agreement contrary to this

policy without prior written approval of the City Manager and/or the City Council. The policies contained herein shall not be interpreted as a promise or an implied and/or express contract for continued employment of Department Heads, a guarantee of due process or a commitment to existing terms or conditions of employment.

8.2 Probationary Period of New Employees

Except as may be set forth in an applicable collective bargaining agreement or labor memorandum of understanding, or as otherwise set forth herein all new employees (except Department Heads) shall serve a twelve (12) month probationary period. During the probationary period the Department Head shall observe the employee's performance. If the Department Head rejects the employee at any time during the probationary period, the Department Head shall, in writing, inform the employee and the Human Resources Department. The Department Head may either request to extend the employee's probationary period, (see 8.2.1 Extension of Probationary Period) or recommend termination. Employees who do not pass their probationary period shall then be terminated.

An individual reclassified to a higher classification or promoted during the initial hire probationary period, must complete the initial 12-month probation in order to gain regular employee status and property rights. The individual must complete a concurrent 6-month promotional probationary period in the new position.

(For all Police personnel please see Probation Period under section 42.2 Employment Status.)

If an individual who would otherwise be terminated in an initial-hire probationary period voluntarily demotes to another classification, new six-month probation must be served in the new classification from the date of transfer. Failure to pass this probationary period will result in separation from employment.

Except for allegations of discrimination raised pursuant to Personnel Rule 5 Equal Employment Opportunity Program, employees shall have no right to appeal a rejection during the probationary period. If, at the end of the probationary period, the Department Head believes the employee is performing satisfactorily, the Department Head shall, in writing, inform the employee and the Human Resources Department and the employee shall be granted regular employee status and may enjoy such privileges as are set forth in these rules. Should the Department Head fail to perform the employee's probationary review at the end of the probationary period, the employee shall automatically be granted regular employee status.

8.2.1 Extension of Probationary Period

On occasion it may be necessary to extend an employee's probationary period to ensure s/he is meeting the standards for their position. Probationary periods may be extended as follows:

- A. When marginal performance exists or an employee demonstrates a need for additional evaluation, upon recommendation from a supervisor and approval by the City Manager, the probationary period may be extended for a period not to exceed nine (9) months.

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- B. For a personal illness (this may include time off due to pregnancy) or to care for a critically ill family member. The minimum amount of time that a probationary period may be extended for this reason is two full and consecutive pay periods with the understanding that an extension of probation is calculated in biweekly increments. The individual's step advancement date will be extended proportionate to the extension of the probationary period.

Either a Department Head, or designee, or a qualifying employee may request an extension, but in any event the prescribed form must be signed by the employee and Department Head.

Under such approved circumstances, and upon the employee's return to work, the probationary period will be extended by an amount of time equal to the period of time that the employee is absent under this policy. Said employee's step advancement date shall also be adjusted accordingly.

If the employee returns to work at a date that is neither the first day nor the last day of a full pay period, the extended probationary period will be calculated by rounding to the first day of the closest full pay period.

Benefits and seniority will not accrue during an absence under this policy except for any time that the employee is on paid leave.

If it becomes necessary to extend the approved leave of absence under this policy, a Department Head or designee at their sole discretion may approve the extension if the employee submits a signed, dated, note from a medical care provider indicating a specific anticipated date of return. Such extensions are not automatic and are subject to approval by the Department Head or designee. Upon return to work, the employee's probationary period will be extended as described above.

A signed copy of the required form shall be maintained in the individual's personnel file located in the Human Resources Department.

8.3 Probationary Period of Promoted or Transferred Employees

An employee who is promoted or transferred to another position shall serve a (6) six-month probationary period in the new classification.

If the employee is rejected during the probationary period in the new position, the employee may request, in lieu of termination, to voluntarily demote or transfer back to the former class of position in which regular employee status was held, provided that there is a vacancy in the former class of position available to be filled. Except for termination for allegations of discrimination raised pursuant to rule 5 of these rules, probationary employees shall have no right to appeal a rejection in probation. If, at the end of the probationary period, the Department Head believes the employee is performing in a satisfactory manner, the Department Head shall, in writing, inform the employee and the Human Resources Department. The employee shall then have regular employee status in the new classification. Should the Department Head fail to perform the employee's probationary review at the end of the probationary period, the employee shall automatically be granted regular employee status in the new classification.

(For all Police personnel please see Probation Period under section 42.2 Employment Status)

8.4 Probationary Period of Demoted Employees

An employee who is demoted for disciplinary purposes shall serve a six (6) month probationary period in the new class unless the employee previously held regular employee status in that class. An employee who voluntarily demotes to a classification with a lower salary range shall not be required to serve a new probationary period provided the employee held regular status in an equivalent or higher-class level. Employees who have not held regular status and who voluntarily demote while on probation must complete the probationary period in the lower classification.

8.5 Hours of Work

The normal work period shall be eighty (80) hours per biweekly pay period for each full-time employee. Department Heads shall schedule the employee's hours in such a manner as to maintain City offices open for business 8:00 a.m. to 5:00 p.m. each day of the year except Saturdays, Sundays, and holidays.

8.6 Attendance

Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays, and leaves. All Department Heads, or designees, shall keep daily attendance records of employees.

8.7 Political Activities

Except as otherwise provided, or as necessary to meet requirements of state and federal law as it pertains to employee(s), no restriction shall be placed on the political activities of any officer or employee of the City of Elk Grove.

However, the following political activities or enterprises are prohibited:

- Employees of the City shall not use their position to influence any vote or other political activity with the City, except as an inherent part of the employee's official duties or in connection with such prescribed duties;
- Knowingly soliciting political funds, directly or indirectly, or contributions from other officers or employees of the City of Elk Grove or from persons on the employment lists of the City of Elk Grove. Nothing in this section prohibits an employee from communicating through the mail or by other means request for political funds or contributions to a significant segment of the public which may include officers or employees of the City of Elk Grove;
- The dissemination of political material of any kind while on duty and/or during working hours and/or while in uniform;
- Conducting political activities during working hours on City premises, or using any City property for political purposes;
- Running for elective office if principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the federal government, unless the office is nonpartisan.

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Nothing prevents an officer or employee of the City of Elk Grove from soliciting or receiving political funds or contributions to promote the passage or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, or other working conditions of officers or employees of the City of Elk Grove. Violation of any of the foregoing may result in disciplinary action up to and including termination.

8.8 Outside Employment

In order to maintain a workforce that is fit and available to provide proper services and carry out functions of the City, employees are restricted from engaging in outside employment if it conflicts with the City of Elk Grove's employment.

Outside employment is considered to conflict with the City of Elk Grove employment if it:

- Interferes with the employee's ability to perform his/her assigned job;
- Prevents the employee's availability to work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job;
- Is conducted during the employee's work hours; or
- Requires the services of other employees during their normally scheduled work hours.

If it is determined that outside employment is detrimental to the City, the employee will be asked to terminate the outside employment or terminate employment with the City.

8.9 Performance Appraisals and Career Discussions

The City of Elk Grove believes that all employees should receive an opportunity for mutual performance and career discussions with their supervisor. To that end, it is the goal of the City that each regular, full-time employee, or part-time employee working twenty (20) to thirty-nine (39) hours per week, should receive at least one (1) formal performance appraisal and career development discussion/review each year.

8.9.1 *Frequency/Documentation*

Generally, the frequency will be at least once every twelve (12) months, within ten (10) days prior to the employee's anniversary date each year. The performance evaluation and development discussion should be documented on the appropriate review form and signed by both parties. If an employee does not receive an average score of 3.0 or greater on his/her performance evaluation, the employee will receive an interim performance evaluation not later than six (6) months after the employee's annual performance evaluation date.

8.9.2 *Responsibility for Performance Review Process*

It is the responsibility of the Human Resources Department to maintain performance records. Any additional information needed for the review (e.g., prior appraisals, job descriptions or information regarding career and development opportunities) may be viewed by managers upon request to the Human Resources Department. Original copies of completed reviews will be maintained in the employee's personnel file.

8.10 Promotion and Voluntary Demotion

The Human Resources Department and Department Head shall inform employees of opportunities for promotion to more responsible positions. All employees shall be entitled to necessary time off with pay for the purpose of taking qualifying or promotional examinations conducted by the Human Resources Department. Satisfactory performance for the City shall be an important consideration in reviewing qualifications of an applicant for promotion. An employee may request a voluntary demotion to any vacant position within the City for which the employee meets the minimum qualifications as determined by the Human Resources Department. Upon approval of the Department Head, a voluntary demotion request may be authorized.

8.11 Layoff

The City Manager may initiate a layoff of a position(s) due to administrative reorganization, lack of work, or lack of appropriation by advising the Human Resources Department of the number of positions, classifications, department involved, and the effective layoff date. The Human Resources Department shall establish a seniority list and shall consider employee status, length of service, and efficiency in determining which employee or employees are to be laid off and shall, in writing, inform the Department Head and affected employees.

8.11.1 Seniority List Score Computation

- Employees appointed to a position with the City of Elk Grove shall receive credit for compensated employment (not temporary or seasonal assignments) that has not been broken by a permanent separation. When there has been a permanent separation, credit shall be given only for employment following such break in service.
- One-point seniority credit shall be given for each calendar month of employment or any portion thereof excluding extended leaves of absence. Employees working part-time schedules will be given fractional point credit for each month of service on a prorated basis.
- Twelve points shall be subtracted from the seniority score of an employee with an overall rating of below 3.0 on the last two regularly scheduled written performance reports.
- When two or more employees have the same total seniority score, the City Manager shall determine which person shall be laid off on the basis of efficiency and effectiveness.

8.11.2 Order of Separation in Reduction-in-Force

Employees in the same class within a department of layoff shall be separated during a reduction-in-force in the following appointment type sequence:

- a) Temporary and Seasonal appointments
- b) Probationary appointments
- c) Part-Time regular appointments
- d) Full-Time regular appointments

Separation of employees shall be in the order in which their names appear on the seniority list for the affected class, with those persons having the least seniority credit being the first separated.

8.11.3 Layoff Notice

The Human Resources Department send written notice to the last known address of each employee affected by a layoff at least fourteen (14) days prior to the effective date of the action. The notice shall include the:

- a) Reason for layoff;
- b) Classes to which the employee may demote within the department, if any;
- c) Effective date of the action;
- d) Seniority score of the employee;
- e) Appeal rights of the employee;
- f) Conditions governing retention on and reinstatement from reemployment lists; and
- g) Rules regarding waiver of reinstatement and voluntary withdrawal from the reemployment list.

8.11.4 Demotion in Lieu of Layoff

In lieu of being laid off, an Employee may elect demotion to:

- a) Any position held by an employee with a lower seniority score in a class with substantially the same or lower maximum salary in which the layoff employee held regular employee status; or
- b) Any vacant position in a class in the same line of work as the class of layoff, but of lesser responsibility if such classes are designated by the Human Resources Department.

Demotion rights to specified classes shall be applicable only within the department of layoff. To be considered for demotion in lieu of layoff, an employee must notify the Human Resources Department in writing of this election no later than five (5) days after receiving the notice of layoff.

8.11.5 Layoff Reinstatement

Regular employees laid off who are reinstated to a regular City position within twelve (12) months from the effective date of layoff shall be reinstated with the same seniority score as was achieved at the date of layoff.

An employee reinstated to the same classification or lower classification in the same class series in which regular employee status was held at the time of layoff shall not be required to serve a new probationary period and shall accrue Annual Leave benefits at the rate established by prior seniority. A former employee reinstated in a classification with an equal or lower pay range than that held by the employee at the time of layoff, pursuant to the provisions of these rules, shall remain on the valid reinstatement list. Should an employee on a layoff list be employed by the City in a classification with a higher pay range than that held at the time of layoff, the employee's name shall automatically be removed from the layoff reinstatement list upon completion of the probationary period.

The names of employees laid off in accordance with provisions of this section shall be placed on a reemployment list. Names shall be placed on a classification reemployment list in order of seniority. In the event that a person on layoff declines reemployment to a vacant position or cannot be contacted through telephone and certified mail within fifteen (15) working days, such person's name shall be removed from the reemployment list.

A reemployment list will remain in effect for two (2) years unless specifically extended, or sooner exhausted. Upon reinstatement an employee will be eligible for all benefits acquired by the employee prior to the layoff, including prior Annual Leave accrual rates and seniority. An employee shall not receive credit for time spent on layoff in computing time for any benefit entitlement.

8.11.6 Layoff – Probationary Employees

Probationary employees laid off shall have their names placed back on the eligible list from which they were appointed providing it is still in existence. Should such employees be later appointed from the eligible list, the appointment will be the same as for others appointed from the list for the first time. A new probationary period and other terms and conditions of a new appointment shall apply.

8.12 Voluntary Separation

An employee intending to voluntarily separate from City service shall submit said notice in writing to the immediate supervisor specifying the effective date and time of the intended resignation. Such notification should be provided as far in advance as possible.

- a. Effective Date - A resignation shall be effective on the date specified in the employee's notification. If an employee fails to provide notice, the effective date of the resignation shall be the date provided the Human Resources Department by the Department Head.
- b. Refusal to Submit Written Resignation - If an employee refuses to submit a written resignation, the Department Head, or designee, shall provide notice to the Human Resources Department in writing that the employee has submitted a verbal resignation.
- c. Change of Effective Date - An employee, after having provided written notification of his/her voluntary separation, wishing to change the effective date or rescind the notice, may be allowed to do so at the sole discretion of the Department Head. This may be allowed provided that no vacancy announcements or notices for the anticipated vacancy have been released or recruitment has otherwise been undertaken by the Human Resources Department. In the event of unusual circumstances and at the discretion of the Department Head and the Human Resources Department, an employee may be allowed to change the effective date or rescind the notice subsequent to onset of recruitment.
- d. Absent Without Leave - An employee who, without approved leave, fails to report to duty for five (5) consecutive days of the regular schedule, shall be deemed to have voluntarily terminated from the position.

8.13 Out of Class Assignment to Higher Level Classifications

8.13.1 *General.*

Employees may be temporarily assigned by the Department Head or designee to work in a higher classification. This type of assignment is commonly known as an “out of class” assignment. Employees so assigned must perform substantially all of the duties of the higher classification and shall be compensated with an additional five (5%) percent in salary. Time served in each such assignment shall not contribute towards acquiring probationary or regular employee status in the higher class but may be considered as meeting minimum experience requirements for a promotional examination. Salary differentials or other pay and benefit provisions of the higher class shall apply during such assignments. Return from such assignments to the regular position is not discipline and the disciplinary appeal process does not apply under these circumstances.

8.13.2 *Vacant Positions.*

Temporary assignments to a higher-level classification may be made to provide needed services created by a position becoming vacant. In such cases, the Department Head shall give first consideration to making the temporary assignment from an established eligibility list. Assignments to meet needs created by a vacancy may not exceed nine hundred sixty (960) hours in any fiscal year.

8.13.3 *Backfilling Positions.*

The purpose of such assignments is to carry on the functions of a position which has been vacated due to an extended illness, leave of absence, or other similar circumstance. Such assignments must not extend beyond nine hundred sixty (960) hours in any fiscal year.

8.13.4 *Other Circumstances.*

The City Manager may authorize temporary assignments to higher level classes that would result in a temporary change in the specific allocation of classes of positions to a department. The purpose of such assignments would be to meet organizational needs pending changes in the classification plan or needed to meet a temporary emergency. The same time limits apply as in cases of assignments approved by the Human Resources Department, as heretofore provided.

8.14 Bridging Policy

A former employee who has worked at least one (1) year and held a full-time position at the time of separation may be reinstated to the position he/she vacated at the discretion of the City Manager. No such person shall have a right to reinstatement, nor any property interest in the vacated position. The former employee, if reinstated, must re-enter the full-time position within twelve (12) months of separation to be considered for reinstatement under this bridging policy.

Upon reinstatement, the City of Elk Grove will use an adjusted total service date as described in this policy. The length of employment calculation will not include the reinstated employee’s time away from employment with the City. Employees are not entitled to any benefits or contributions for the period they were not on the City of Elk Grove payroll. The adjusted total service date will be calculated by the previous time in service, minus the amount of time the employee was separated from the City.

8.15 City Council Member Assistants

Subject to budget considerations and limitations, City Council Members (including the Mayor) may be provided one or more City Council Member Assistants to aid in the City Council Member's City business. City Council Member Assistants may be hired as City employees or be retained as independent contractors, all subject to applicable law. City Council Member Assistants who are hired as City employees shall be at-will employees and serve at the discretion of the assigned City Council Member. Employee City Council Member Assistants are free to terminate employment with the City at any time, with or without reason or advance notice. Likewise, the City has the right to terminate employment of the City Council Member Assistant with or without reason or advance notice. The policies contained herein shall not be interpreted as a promise or an implied and/or express contract for continued employment of any City Council Member Assistant, a guarantee of due process or a commitment to existing terms or conditions of employment. Notwithstanding anything to the contrary herein, once a City Council Member leaves the office of City Council Member (including the Mayor), the City Council Member Assistant's employment and/or contract shall be immediately terminated.

9. COMPENSATION

The City of Elk Grove's compensation philosophy complements its business strategies and objectives by providing a competitive compensation framework specifically designed to attract and retain a quality workforce.

The City of Elk Grove's compensation programs and practices shall comply with all relevant government regulations, meet business needs, and be reflective of appropriate market-based data.

Current compensation levels and terms are not guaranteed and may be revised at any time, except where prohibited by law. The following compensation policies are meant to be guidelines only and in no way create an express or implied contract between an employee and the City of Elk Grove.

9.1 Salary Schedule

The salary schedule for the City of Elk Grove contains a salary range for each job classification in the City. Each salary range consists of seven (7) steps designated as salary steps A through G, in which the difference between each successive step shall be approximately five percent (5%). Salary steps shall be based on the classification's straight time hourly rate of pay, and are denoted on an hourly, bi-weekly, monthly, and annual basis.

An employee shall be paid a salary or wage within the range or rate or equivalent hourly rate, established for the class of position to which the person has been appointed as provided in the salary schedule, unless otherwise provided by these rules.

9.2 Payroll Errors

In the event an error has been made in the payment of an employee's salary, overtime payment or leave accruals, balances or usages, the City shall, for purposes of future compensation, adjust such compensation to the correct amount, giving written notice to the employee.

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In the event an employee received an overpayment in wages or benefits, the City shall be reimbursed. The employee may:

1. Make a lump sum payment;
2. Authorize a one-time deduction from usable leave credit balances equivalent to the overpayment at the employee's current hourly rate;
3. Authorize a repayment schedule through payroll deductions.

No repayment schedule shall exceed fifty-two (52) pay periods in duration. Reimbursement of any outstanding balance shall be due and payable at the time of separation from employment and the City shall deduct any amounts owed under this Section from the employee's final paycheck. If the balance due and owing exceeds the amount available to deduct so that the City is not fully reimbursed, the balance remaining shall be due and owing.

No action shall be taken to enforce repayment of an overpayment, or to correct an underpayment, unless action is taken within one year from the ending date of the pay period in which the error is discovered. "Action is taken" as used in this Section shall mean written notice to the employee in the case of an overpayment or written or oral notice to the City of an underpayment error.

The provisions of the Section do not apply to grievance disputes that contend that the City has underpaid an employee by misapplying or incorrectly interpreting the terms of this or any previous Agreement. The time limits for the filing and processing of any grievance shall not be deemed to be excused, extended or otherwise modified by the provisions of this Section, nor shall the relief available through the grievance procedure be enlarged by or as a result of the provisions of this Section, unless otherwise provided in this Section.

9.3 Salary Guidelines

- A. New Employees. All newly appointed employees shall be paid at the first step of the salary range for the class of position to which the employee is appointed, except as otherwise specified in these rules.
- B. Advanced Step Hiring. If the Human Resources Department finds that qualified applicants cannot be successfully recruited at the first step of the salary range, the Human Resources Department may request the City Manager to authorize an appointment at an advanced step of the salary range.
- C. Out-of-Sequence Merit Increase: In addition to these salary guidelines, the City Manager (or designee) may grant out-of-sequence merit advancements for an employee in any specific classification for extraordinary performance.

Education Incentive Pay. Effective July 1, 2011, unrepresented employees who possess a bachelor's degree from an accredited college/university, which is not required by the minimum qualifications of the job classification, shall receive a five percent (5%) pay differential. Education Incentive Pay shall be effective the beginning of a pay period after the necessary paperwork has been turned into the Human Resources Department.

- D. Former Employees. A person who previously held a position within the City in a class from which the person was separated in good standing may, when reemployed, be appointed at the same salary rate which was paid at the effective date of the person's termination or the nearest lower applicable rate for the class to which the person is appointed provided such regular reemployment occurs within (12) twelve months from the date of termination.

9.4 Advancement within Salary Range

- a) Performance Report Required. Eligibility for salary advancement shall be on the basis of the employee's employment anniversary date. No salary step advancements shall be granted unless recommended by the Department Head and approved by the City Manager, subject to available funds.

A Department Head shall review an employee's performance to determine whether the employee should receive merit salary advancement within the salary range. Employees must receive an average score of 3.0 or above on their annual performance evaluation in order to receive a merit salary advancement, subject to available funds. This determination shall be noted on a performance evaluation form which shall be forwarded to the Human Resources Department. An employee who does not receive an average score of 3.0 or greater on his/her performance evaluation will not advance to the next higher step in the salary range. Instead, the employee will receive an interim performance evaluation not later than six (6) months after the employee's annual performance evaluation date. If the employee attains an average score of 3.0 or greater on the interim evaluation, the employee shall then advance to the next step in the salary range, subject to available funds.

- b) Period of Employment Required for Merit Salary Advancement. Unless otherwise specified in these rules, each employee shall, in addition to the required performance standards, complete the following required time in his/her position to be eligible to receive a merit salary advancement:
- New Employees. A person hired as a new City employee shall have a merit advancement date which is (1) one year, or equivalent number of hours, following the hire date.
 - Promotion or Demotion. An employee who is promoted or demoted shall have a merit advancement date which shall be (1) one year, from the date of promotion or demotion.
 - Transfer. An employee who transfers shall have no change in merit advancement date.
 - Voluntary Demotion. An employee who voluntarily demotes shall have a merit advancement date which shall be (1) one year, from the date of the voluntary demotion.
 - Change in Range Allocation. If the salary range for an employee's classification is

changed, the employee's merit advancement date shall not change.

- Position Reclassification. An employee whose position is reclassified shall have no change in merit advancement date.
- Step Adjustments. An employee whose salary step is adjusted to a higher step within the salary range shall have a merit advancement date effective one (1) year, or equivalent number of hours, from the date of adjustment, subject to satisfactory performance evaluation and available funds.
- Effective Date. When an employee's merit advancement date falls in the first week of a pay period, the employee's merit salary advancement shall take place on the first day of that pay period. When an employee's merit advancement date falls in the second week of the pay period, the employee's merit salary advancement will take place on the first day of the next pay period.

9.5 Salary upon Promotion, Demotion, Transfer, Reinstatement, Working Out-of-Class

- A. Promotion: Employees promoted to a position in a class with a higher salary range shall have compensation set at Step 1 of the new salary range or receive a minimum five percent (5%) increase in the base rate of pay, whichever is greater. The City Manager may grant exceptions to this rule at his/her discretion.
- B. Demotion: Employees demoted to a position in a class with a lower salary range shall receive a minimum decrease of 5 percent (5%) or placement at the top of the salary range of the new class, whichever is lesser. The City Manager may grant exceptions to this rule at his/her discretion.
- C. Transfer: When an employee is transferred, he/she will be placed on the step of the new classification having the salary that is closest to the salary earned by said employee prior to the transfer.
- D. Reinstatement: In addition to the provisions in section 8.14 the reinstated salary will be determined by the City Manager.
- E. Working out-of-class: The salary increase received by an employee when working out-of-class will be determined by the City Manager based on the range of duties assigned. However, the standard increase will be five percent (5%) and be subject to the rules of temporary assignments pursuant to section 8.13 above.
- F. Reclassification: When an employee's position is reclassified, he/she will be placed on the step of the new classification having the salary that is closest to, but not less than the salary earned by that employee prior to the reclassification.

9.6 Exempt and Non-Exempt Employees

Employees shall be classified as either exempt or non-exempt based upon the rules of the Fair Labor Standards Act.

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Exempt employees are not covered by state and federal minimum wage and overtime laws and are paid on a salary basis. The City will protect an employee's exempt status as required by state and federal law.

Non-Exempt employees are those who are eligible for overtime in accordance with provisions of applicable wage and hour laws and are paid on an hourly basis.

9.7 Workweek/Work Hours

Full-time City employees are generally scheduled to work forty (40) hours in a workweek. Actual working hours will be determined on the basis of operational efficiency and employee preference. Working schedules are subject to the approval of the Department Head and the Human Resource Officer. The City Manager may prescribe hours of work.

9.8 Overtime

Overtime work may be required of an employee in an emergency or when required by the public interest. All overtime work must have the prior written approval of the direct supervisor or Department Head prior to the work being done/hours being worked.

Time worked in excess of the employee's regularly scheduled shift or time worked over forty (40) hours in a workweek by non-exempt full-time employees will be compensated at one and one-half times the employee's regular hourly rate of pay.

The overtime provisions of this section shall not apply to employees who are in classifications/positions designated as overtime exempt.

9.9 Compensated Time Off ("CTO") Policy

Upon written agreement between the employee and his or her Supervisor, the Supervisor may grant compensatory time off (CTO) in lieu of paying overtime wages. Whenever CTO is granted to an employee in lieu of overtime wages, the employee will be granted one and one-half hours of CTO for every hour of overtime worked. The maximum amount of CTO an employee may accrue is one hundred twenty (120) hours. Upon reaching one hundred twenty (120) hours of earned but unused CTO, an employee will be paid overtime wages for any overtime worked until the employee has utilized his/her CTO resulting in that employee's accrued but unused CTO falling below the one hundred twenty (120) hour maximum. Employees may be permitted to cash out accrued but unused CTO twice annually in May and November, at the discretion of the Department Head, in consideration of available funds.

9.10 Call-Out Pay

Non-exempt employees will be paid a minimum of two (2) hours overtime, or actual hours worked if more than two (2), when called in to work or to attend a meeting on a scheduled day off. The first call out will be paid at two hours minimum. Subsequent calls on the same calendar day will be paid only for actual time worked.

9.11 Standby Pay

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Controlled Standby Time. All controlled standby time is compensable time. The term “controlled standby time” means standby time during which a non-exempt employee is required to return to work within forty-five (45) minutes, following a call to do so. Employees on controlled standby time are required to comply with all City of Elk Grove policies while on controlled standby time, including but not limited to, prohibitions against consuming alcohol and narcotics (including marijuana and cannabis). Non-exempt employees who are required to remain on controlled standby time shall be paid a minimum of two (2) hours straight time or overtime pay, depending on the number of hours the employee has worked in the workweek taking into account the controlled standby time, or will be paid for the actual hours worked, again either at straight time or overtime pay depending on the number of hours worked by the employee during the workweek taking into account the controlled standby time. Sworn Police Officers are subject to labor Memoranda of Understanding and are not eligible for standby pay under these Rules and Regulations.

Uncontrolled Standby Time. Uncontrolled standby time is not compensable. Examples of uncontrolled standby time include such things as a requirement the employee be accessible by telephone or other means of electronic communications, but the employee is free to use the time as personal time. Notwithstanding the foregoing, the City Manager may, in his/her discretion, authorize pay of up to two (2) hours per day straight time for specified non-exempt positions on uncontrolled standby time.

9.12 Work Hours Reduction

Non-exempt employees may be sent home prior to the end of their normal shift and paid only for actual hours worked.

9.13 Recording of Hours

The City of Elk Grove reserves the right to determine how work hours will be recorded.

9.14 Alternative Workweek Schedules/Telecommuting

The City has adopted an administrative policy implementing a 9/80 (nine workdays; 80 hour) alternative work schedule as a voluntary program for employees, which may be made available to employees, subject to Department Head approval and subject to the service needs of the City. (See Administrative Policy No. 1600-002). Notwithstanding the Alternative Work Schedule Policy, alternative work schedules may also include 9, 10, or 12-hour shifts, as may be necessary to ensure the operational efficiencies of the City. Meal and break periods may be modified as necessary based on the number of hours worked and applicable laws. The designation of the workweek for overtime purposes may be modified in order that an employee working an alternative workweek schedule is not required to work more than forty (40) hours of work within the designated workweek. The designation of the workweek shall not be modified for the purpose of avoiding the payment of overtime but to accommodate the work requirement of the job being performed and the desire of the employee to participate in an alternative work schedule.

At the discretion of the City Manager, and upon recommendation from a Department Head of the employee’s department, the City Manager may approve a regular telecommuting schedule for an employee to perform his/her regular job duties and functions remotely.

10. BENEFITS

The City of Elk Grove's benefit philosophy complements its business strategies and objectives by providing a competitive benefit framework specifically designed to attract and retain a quality workforce. The City of Elk Grove's benefits programs and practices shall comply with all relevant government regulations, meet business needs, and are reflective of appropriate market-based data.

Current benefit levels and terms are not guaranteed and may be revised at any time except where prohibited by law. The following benefits policies are meant to be guidelines only and in no way create an express or implied contract between an employee and the City of Elk Grove.

The City of Elk Grove offers a variety of benefits for eligible employees. Information, forms, and summary plan descriptions are available from the Human Resources Department.

Below is a brief description of many of the benefits currently provided to eligible employees. The City of Elk Grove may, at its discretion, add, delete or modify any benefits except as prohibited by law. This Benefit overview is not a description of all details in the City of Elk Grove's benefit plans and is subject to the provisions of the summary plan description and other documents which govern the City's plans.

10.1 Health Benefits

A. Eligibility.

All elected officials, employees in an approved Job Share agreement (as provided in section 11.4) and regular employees assigned to a thirty (30) hour per week or more position and the employees' dependents, including registered domestic partners, shall be entitled to participate in the city-sponsored group health plan. Eligible employees enrolling in the plan will be covered subject to the provisions of the contract limitations with the carrier. Employees in Job Share agreements and their dependents, including registered domestic partners, shall be entitled to participate in the City-sponsored group health plan and other benefits in this section. Part-time employees assigned less than thirty (30) hours and temporary help employees shall not be eligible for participation in the health plan.

B. Premium.

The City of Elk Grove offers a cafeteria plan for medical, dental, and vision benefits. City contribution amounts may vary depending upon date of hire. Proof of medical, dental and/or vision coverage must be provided if declining coverage.

The City provides a contribution towards medical, dental and vision plans for employees and their eligible dependents as specified in the plan documents. Since this is prepaid health coverage and payroll deductions are taken the month preceding the coverage month, the employee is entitled to coverage for the month following the dismissal or resignation date per CalPERS policy. The City will determine the level of contribution to be made by it. Employees may use this contribution towards the total premium cost of the medical, dental and vision plans they select.

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Effective December 2016 the City contribution to Non-represented employee benefits are adjusted annually as described in the following paragraph. City contributions for represented employees shall be adjusted as prescribed in their perspective MOU.

Effective the first pay date in December of each year, the City shall adjust its monthly contribution towards the cost of employee health insurance, dental insurance and vision insurance in an amount equal to one-half (1/2) the increase of the monthly Kaiser Permanente contribution rates for the upcoming year for Employee only, Two-Party, and Family, plus the full cost of dental and vision insurance premiums. The employee shall pay an amount equal to one-half (1/2) of the increase of the monthly Kaiser premium for Employee only, Two-Party, and Family, but the monthly employee contribution for health insurance shall not exceed 10% of the total monthly Kaiser premium cost for the plan year effective the first full pay period in December.

In the case of a decrease in the cost of employee health insurance, dental insurance and vision insurance, the City and employee shall share equal to one-half (1/2) the decrease of the monthly Kaiser Permanente contribution rates for Employee only, Two-Party, and Family, plus dental and vision insurance premiums.

Employees who select a CalPERS health plan with a monthly premium having a combined cost (health, dental, and vision insurance premiums) that is higher than the City contribution shall pay the difference through payroll deduction on a pre-tax basis.

Employees who show evidence of other group health insurance coverage and waive enrollment in a CalPERS health plan shall receive a taxable in lieu cash fringe allowance. Employees hired prior to October 1, 2009 shall receive \$450 per month. Employees hired on or after October 1, 2009 shall receive \$300 per month.

City Council Members who decline a CalPERS health plan shall be eligible to receive an in-lieu cash fringe payment of \$650 per month, which shall be placed into an IRS §457 deferred compensation account on behalf of the City Council Member. There will be no City match for this contribution. If a City Council Member elects to enroll in the City sponsored Dental and/or Vision plans, the premiums for these plans shall be deducted from the in-lieu cash fringe amount, with the balance being placed into an IRS §457 deferred compensation account.

C. Benefit Tier.

The benefit tier is based on the percentage of hours worked. Employees working less than 40 hours per week will have prorated benefits based on the percentage of hours they are regularly scheduled to work. Employee's whose regular work schedule is less than thirty (30) hours per week are not entitled to receive benefits. Employees in a Job Share agreement will each share one half (1/2) of the City paid cafeteria benefit consistent with section 11.4. For the purpose of benefit tiers, City Council Members shall receive benefits to the same extent as regular fulltime employees.

D. Retiree Health Insurance Options.

Retirees may purchase the City of Elk Grove's CalPERS medical plans at the same rate as active employees. The City will pay the minimum monthly contribution towards the

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CalPERS medical premium for all retirees. Retirees can make changes annually during open enrollment.

E. Continuation of Coverage.

Continuation and conversion of the health plan benefits shall be as prescribed by law or contract limitations with the plan carrier. Continuation of conversion coverage shall be paid fully by the subscriber. Employees covered under the health plan who terminate from City employment for reasons other than gross misconduct, may continue coverage for themselves and qualified dependents under the health plan for up to 18 months. Covered child dependents of an employee who become ineligible under the terms of the plan, or the covered surviving spouse or legally separated or divorced spouse of an employee, may continue coverage under the plan for up to 36 months as allowed by law.

F. Health Retirement Account (HRA). Employees shall be enrolled in the City's Health Retirement Account plan. There are two options as follows:

Option 1 – City-Provided Defined Benefit Program (For Elected Officials and employees within 6 years of CalPERS retirement age as of 7/1/09):

- Up to \$800/month contributed by the City for IRS eligible medical expenses upon retirement until deceased.
- 10+ years of service for full vesting
- Partial vesting at 5 years of services for 50% benefit, plus 10% for each additional year of service.
- Must retire from CalPERS within sixty (60) days of separation from the City to receive this benefit.

Option 2 – City-Provided Defined Contribution Program (For all other non-represented employees, effective January 3, 2010):

- Defined contribution by the City of \$100/pay period for IRS eligible medical expenses for self and qualified dependents upon separation.
- Employees are vested on first day of employment.
- Employees in a Job Share agreement shall be entitled to one half (1/2) of the defined contribution consistent with section 11.4.
- Employee is not required to retire.

10.2 Flexible Spending Accounts

Employees and City Council Members may participate in the flexible spending account for medical expenses up to \$2,550 annually for qualified medical expenses or for dependent care up to \$5,000 annually for qualified day care expenses.

10.3 Term Life Insurance

The City provides a contribution for employees and City Council Members equal to the premium cost of term life insurance that provides a benefit amount equal to one (1) time the employee's annual base salary (rounded up to the next higher \$1,000). The minimum benefit level is fifty thousand dollars (\$50,000) and the maximum guaranteed benefit is three hundred thousand dollars (\$300,000).

10.4 Short-Term Disability Insurance

In addition to State Disability Insurance (SDI), the City provides a supplemental short-term disability insurance with a benefit of sixty percent (60%) of the employee's weekly salary up to a maximum of two thousand three hundred dollars (\$2,300.00) per week. Employees may be eligible to collect this supplemental short-term disability insurance after a fourteen (14) day waiting period. This supplemental insurance runs concurrently with SDI and eligible employees may receive this supplemental short-term disability for a maximum of eleven (11) weeks.

10.5 Long-Term Disability Insurance

The City provides a contribution to the premium cost of long-term disability insurance that provides a monthly benefit equal to sixty-six and two thirds percent (66 2/3%) of the employee's monthly salary up to a maximum of eleven thousand dollars (\$11,000.00). Long-term disability benefits may begin after the latest of ninety (90) consecutive days of total or partial disability or the date short-term disability ends. Long-term disability benefits are payable for the period during which an employee continues to qualify as totally or partially disabled up to the later age of 65 or Social Security normal retirement age.

10.6 Retirement and Deferred Compensation

The City shall participate in the California Public Employees' Retirement System (CalPERS) on behalf of all eligible employees and City Council Members. The City's CalPERS retirement plan is an IRS qualifying plan; therefore, employees do not participate in the Social Security program.

The City offers a voluntary deferred compensation plan available to all employees and City Council Members. Employees and City Council Members may elect to contribute up to the maximum dollar amount set by law. If an employee or City Council Member chooses to participate in the deferred compensation plan, the City currently provides a discretionary contribution to this plan and reserves the right to change its level of contribution to this plan to best meet the needs of the City.

10.7 Annual Leave

Full-time employees shall accrue Annual Leave hours according to the following schedule:

| Years of Employment | Annual Accrual | Maximum Accrual |
|--------------------------------------|----------------|-----------------|
| Upon hire | 176 hours | 352 hours |
| At 5 th year anniversary | 216 hours | 432 hours |
| At 10 th year anniversary | 232 hours | 464 hours |
| At 15 th year anniversary | 256 hours | 512 hours |

Employees who work thirty (30) hours or more shall be entitled to Annual Leave benefits commensurate with the percentage of hours worked based upon a forty (40)-hour workweek. Employees who work less than thirty (30) hours per week are not entitled to Annual Leave. Employees in a Job Share agreement shall accrue annual leave as if the one (1) position is split 50/50 consistent with section 11.4. Accrual begins on an employee's hire date.

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Employees are encouraged to take accrued leave on an annual basis. Annual Leave begins accruing on the first day of employment. Employees shall not accrue more than two (2) times their annual accrual. Once an employee reaches maximum accrual, the employee will stop accruing Annual Leave unless written approval is provided by the City Manager in his/her sole discretion due to the existence of extenuating circumstances.

Annual Leave hours may be used for any absence approved by the employee's immediate supervisor, including:

- a) Vacation;
- b) An absence due to illness or injury to the employee;
- c) Doctor, dental and vision appointments for the employee; and
- d) If the employee's presence is required due to the illness or medical appointment of an immediate family member.

The times during which an employee may use Annual Leave for vacation shall be determined by the Department Head or designee with due regard for the needs of conducting City business and the wishes of the employee. Employees with less than three (3) months of employment with the City will not be allowed to use Annual Leave for vacation unless the use of such leave was agreed to and documented prior to employment.

Except in the case of an emergency, in order to receive compensation while using Annual Leave for an unscheduled illness or injury, the employee shall notify his/her immediate supervisor or the Department Head no less than one (1) hour prior to the start of a scheduled shift. When an unscheduled absence is for one (1) workday or more, the employee may be required to file a physician's certificate with his/her Department Head or the Human Resources Officer, verifying the need to be absent due to illness or injury.

Subject to the below limitations and restrictions, employees may, upon written request to and written approval by the City Manager or designee, receive compensation for up to eighty (80) hours of the employee's unused Annual Leave based on their regular rate of pay, subject to available funds. Employees may not cash-out Annual Leave at any time. Rather, the ability to cash-out Annual Leave is subject to the following limitations and restrictions:

- The employee must have used at least forty (40) hours of Annual Leave during the previous year;
- The employee will have a minimum balance of eighty (80) hours of Annual Leave after the cash-out;
- The City determines that a cash-out of the Annual Leave hours is fiscally acceptable after consideration of any budgetary constraints;
- Eligible employees may cash-out Annual Leave only during the month of November;
- Any cash-out of Annual Leave hours will be at the sole discretion of the City, and the City reserves the right to deny employees the ability to cash-out Annual Leave hours, in whole or in part.

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To the extent that this section 10.7 conflicts with any provision of an individual employment agreement or a collectively bargained for Memorandum of Understanding (“MOU”), the terms of the individual employment agreement or MOU shall prevail and govern.

Employees who terminate employment shall be paid in lump sum for all accrued Annual Leave earned, except for leave accruals deposited to the employee’s HRA account, on the next regularly scheduled pay day following termination. (See 10.1(d) Option 2 above.)

10.8 Administrative Leave

All exempt, full-time employees of the City of Elk Grove are eligible for Administrative Leave. Administrative Leave may be used for any reason and is computed based upon a fiscal year and is prorated by hire date.

At the first of every fiscal year, Department Heads will be granted eighty (80) hours of Administrative Leave and other exempt status employees as identified by the City Manager will be granted forty (40) hours of Administrative Leave. The City Manager may, at his/her discretion, award more or less Administrative Leave accrual hours to specific classifications, in consideration of the specific classification, duties, and expectations of each classification. Administrative Leave will be capped at two (2) times an employee’s annual allotment.

Subject to the below limitations and restrictions, employees may, upon written request to and written approval by the City Manager or designee, receive compensation for up to 50% of the employee’s unused Administrative Leave based on their regular rate of pay, subject to available funds. Employees may not cash-out Administrative Leave at any time. Rather, the ability to cash-out Annual Leave is subject to the following limitations and restrictions:

- The City determines that a cash-out of the Administrative Leave hours is fiscally acceptable after consideration of any budgetary constraints;
- Eligible employees may cash-out Administrative Leave only during the month of May;
- Any cash-out of Annual Leave hours will be at the sole discretion of the City, and the City reserves the right to deny employees the ability to cash-out Annual Leave hours, in whole or in part.

To the extent that this section 10.8 conflicts with any provision of an individual employment agreement or a collectively bargained for MOU, the terms of the individual employment agreement or MOU shall prevail and govern.

10.9 Part-Time Sick Leave

The City will provide each part-time employee whose regular schedule is less than 20 hours per week, with 3 days or 24 hours of paid sick leave at the beginning of each 12-month period.

- An employee is not eligible to begin using any accrued paid sick leave until the 90th day of employment with the Agency.
- Paid sick leave will not be considered hours worked for purposes of overtime calculation.
- An employee will not receive compensation for unused accrued paid sick leave upon termination, resignation, retirement or other separation from employment.

10.10 Exempt Employees' Use of Leave Accruals

Employees in overtime-exempt classifications only need report use of leave accruals if absent for more than four (4) hours on a given workday. Exempt employees shall have the flexibility as approved by their Department Head to substitute time and days as needed.

10.11 Terminal Leave

Employees who have elected to retire may take time off prior to his/her actual retirement date, up to sixty (60) calendar days using accrued annual leave, at the discretion of the Department Head. Employees cannot use leave time to qualify for vesting of Health Retirement Account (HRA) benefits.

10.12 Health Exams/Cancer Screenings

The City of Elk Grove will provide two (2) hours off with pay to all full-time employees for a prostate or breast examination. Entitlement is as follows:

| | |
|------------------|---------------------|
| <40 years of age | every two (2) years |
| >40 years of age | annual |

The cost of the examination shall be borne by the employee and/or the employee's insurance carrier.

10.13 Unemployment Insurance

City employees shall be covered by unemployment insurance pursuant to state law. The purpose of this coverage is to provide benefits to former employees who are no longer employed through no fault of their own. Employees who terminate from City employment shall complete termination forms and procedures as required by the Human Resources Department.

The Human Resources Department shall administer the unemployment insurance program. The Human Resources Department shall provide and maintain any records required for the unemployment insurance program and represent or arrange for representation of the City in unemployment insurance claims actions. The Human Resources Department shall advise the City Manager regarding the maintenance and administration of the unemployment insurance program. The Finance & Administrative Services Director shall act as the fiscal agent for the unemployment insurance program and shall provide and maintain all payroll and fiscal records and make reimbursement payments to the state as required by the unemployment insurance program. The Finance Department shall provide to the Human Resources Department fiscal and payroll information necessary for the administration of the program.

11. CLASSIFICATION OF POSITIONS

11.1 Classification Plan

All positions shall be included in a classification plan except those positions held by elected officials and appointed employees. The classification plan shall be maintained by the Human Resources Department so that all positions substantially similar in duties, responsibilities,

authority, and qualifications required are so classified that schedules of compensation may be applied equitably. Each classification shall have a written specification setting forth the title of the classification, defining the classification, describing duties and responsibilities of the positions in the classification, and setting forth qualifications of applicants for positions in the classification.

11.2 Amending the Classification Plan

The Human Resources Department may create new classes or revise or abolish existing classes.

11.3 Allocation of Positions

The number and classifications of regular positions shall be as approved by the City Council. No Department Head shall appoint more employees to a class of position than have been approved by the City Council except that a new employee or a promoted employee may be appointed to a position not more than (30) thirty working days before the employee being replaced is separated.

11.4 Job Share

With the concurrence of the Department Head, the Human Resources Department may authorize a Job Share agreement of any two (2) employees, within the same classification and department, to share one (1) allocated full-time equivalent position. All leaves shall be prorated on a 50/50 basis. CalPERS retirement accrual shall be calculated on a prorated basis pursuant to CalPERS regulations. Additional hours worked by either of the two parties to this provision shall be paid on a straight time (non-overtime) basis up to forty (40) hours in a week with prior approval of the immediate supervisor.

11.5 Position Reclassification

Upon review and analysis by Human Resources, the City Manager may take action to reclassify a position when there has been a significant change in the duties and responsibilities of the position. When a position is reclassified to a higher classification, the Human Resources Department shall make a determination whether or not an incumbent is qualified to advance to the higher class. If there are other qualified employees in the same class as the incumbent whose position was reclassified, the Human Resources Department may conduct promotional examinations for the higher class of position.

Either a Department Head or the Human Resources Department, after consulting the Department Head, may request that a position be reclassified as follows:

- A Department Head may request a review of a current classification whenever permanent and substantial changes have occurred to the position to the extent that the position has become significantly different in nature than it was when last classified. Such requests shall be made on forms as prescribed by the Human Resources Department and include the position classification, name of the current incumbent, and the nature of the changes in the responsibilities and duties of the position.
- If an employee believes that changes, as described above, have occurred within the incumbent's position, the employee may submit to the Department Head a written request for a review of the position's classification. If the Department Head determines that a review of the classification is warranted, such request shall be forwarded, on the prescribed forms, to the Human Resources Department for determination of appropriateness. In the

event that the Department Head determines a review of the classification is not warranted, the employee may then submit a request to the Human Resources Department for a final determination as to whether a review is appropriate.

Prior to submission to implementation of a classification change, the Human Resources Department shall forward the analysis and recommendation to the appropriate bargaining unit for review and invitation to meet and confer.

12. LEAVES OF ABSENCE (FMLA, CFRA, PFL and PDL)

12.1 Family and Medical Leave Policy

The City has established a family and medical leave policy that conforms to the requirements of state and federal law, including, but not limited to, the Family and Medical Leave Act (FMLA), Pregnancy Disability Leave (PDL), and the California Family Rights Act (CFRA).

12.2 Family and Medical Leave Act (“FMLA”)

Employees who have been employed by the City for at least twelve (12) months and who have worked at least 1,250 hours during the preceding twelve (12) month period are eligible to take an unpaid FMLA leave of absence under the following circumstances:

- The birth and care of a newborn child of the employee;
- The placement of a child with the employee in connection with adoption or foster care of a child;
- The employee’s own serious health condition;
- The care of an employee’s spouse, child or parent with a serious health condition.
- Any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of an employee is on active duty in the Armed Forces.

12.3 Duration of Family and Medical Leaves

Provided that all conditions of this policy are met, eligible employees are entitled to a cumulative maximum of twelve (12) weeks of family and/or medical leave (whether unpaid, using Annual Leave, or both) within a twelve (12)-month leave period. The twelve (12)-month period is measured backward from the date an employee’s requested family and/or medical leave begins.

In addition, an eligible employee is entitled to up to twenty-six (26) workweeks of leave during a single twelve (12)-month period to care for a covered service member with a serious injury or illness. In order to be eligible for this leave, the employee must be the spouse, son, daughter, parent, or “next of kin” of the covered service member.

Parents who are both employed by the City are entitled to a combined total of twelve (12) weeks leave in a twelve (12) month period for the birth, adoption or foster care placement of their child.

Employees on a workers’ compensation leave of absence will be granted leave consistent with the City’s obligations under workers’ compensation law. If the employee’s work-related injury also meets the criteria of a serious health condition, the absence will be counted against an employee’s family and medical leave entitlement.

Employees disabled due to pregnancy/maternity related conditions may be entitled to additional leave. Please see description of pregnancy disability and maternity leave below.

12.4 Compensation and Benefits during Leave

Family and/or medical leave is unpaid leave. Employees may qualify for disability or Paid Family Leave (PFL) through State Disability Insurance (SDI). Employees requesting family and/or medical leave may be required to use any available leave from the commencement of the leave period until the employee's entitlement to those leaves are exhausted. Employee's on state disability or Paid Family Leave may use available leave but are not required to use any leave during the state paid portion of their leave.

The use of available leave does not extend the length of the leave, but merely provides a means to continue compensation to the extent accrued paid leave benefits exist. Length of employment credit and Annual Leave will continue to accrue only during the city paid portion of a family or medical leave.

The City will continue to pay its portion of the premiums for medical, dental, vision and basic life insurance (health benefits) for its eligible employees during medical or family leave through disability, workers compensation or FMLA, per leave year under the same conditions as would apply if the employee had been continuously employed during the leave period or as required by law. Employees are required to pay their portion of the premiums for health benefits during any leaves of absence described in these rules.

The City shall continue to provide retirement, HRA contributions, and deferred compensation benefits, for its eligible employees only during a paid medical leave or family leave. Eligible employees shall not be provided with retirement, HRA contributions, or deferred compensation benefits during an unpaid medical leave or family leave.

The City shall continue to provide retirement, HRA contributions, and deferred compensation benefits, for its eligible employees when the employee is receiving disability or worker's compensation benefits up to a maximum of twelve (12) weeks per leave year under the same condition as would apply if the employee had been continuously employed during the leave period.

It is the responsibility of the employee on medical leave to apply for State Disability Insurance (SDI) benefits, workers' compensation benefits or other disability benefits, as may be applicable. These benefits will be coordinated with any accrued paid leave benefits from the City.

If an employee fails to return to work following an approved family or medical leave, the employee must repay to the City the cost of insurance premiums paid by the City during any unpaid portion of leave, unless the employee's failure to return is related to a serious health condition or is due to other circumstances beyond the employee's control, all as determined by the City

12.5 Preservation of Accrued Leave Time under FMLA

If an employee has forty hours or less of accrued leave time available, the employee is eligible for up to forty (40) hours of unpaid leave (without using any accrued leave) while covered under FMLA. This unpaid leave shall only be available once per 12-month period measured from the date the employee first becomes eligible for any FMLA leave. This Leave provision is only

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applicable to employees under FMLA and is in addition to any leave provided for in section 13.3 Leave of Absence Without Pay.

12.6 Paid Family Leave (PFL)

Paid Family Leave (PFL) is a California-sponsored insurance program within the State Disability Insurance (SDI) program. Employees who are covered by SDI, are also covered by this benefit.

PFL is not a leave of absence. PFL provides employees with partial wage replacement for up to six weeks in any 12-month period while absent from work for qualifying reasons. An employee may be eligible for PFL benefits for the following circumstances:

- To care for a seriously ill family member
- To bond with a new child; or
- To bond with a child in connection with the adoption or foster care placement of that child

The California Employment Development Department's (EDD) Disability Insurance Branch administers the PFL program. Employees apply directly to the EDD for benefits. The EDD will determine if the employee is eligible or ineligible for the benefits.

Qualified employees must take PFL at no less than one half of their regularly scheduled workday at a time.

12.7 Leave Request Procedure

Except in the case of an emergency, requests for family and medical leaves must be approved in advance by the City Manager or his/her designee. If the need for leave is foreseeable, employees must provide the City with at least thirty (30) days advance notice before the leave is to begin. Leave requests must set forth the reasons for the leave, the anticipated start date of the leave, the anticipated duration of the leave, or the anticipated schedule for medical treatment. Additionally, all leave requests should be made in writing.

If the need for leave is not foreseeable, and thirty (30)-days' notice is not possible, notice must be given as soon as practical, and at least verbally, within two (2) days of learning of the need for leave.

Any request for extension of a family care or medical leave must be received in writing at least five (5) working days before the date on which the employee was originally scheduled to return to work and must include the revised anticipated date(s) and duration of the leave.

Under certain circumstances, an employee may take leave intermittently or on a reduced work schedule. If the employee takes intermittent or reduced work schedule leave, the City may temporarily transfer that employee to another position of equivalent pay and benefits in order to better accommodate his/her need for leave, and the needs of the City. If the employee requires leave for a regimen of medical treatments, he/she should make a reasonable effort to schedule leave so as not to unduly disrupt the City's operations. Pursuant to applicable law, the City of Elk

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Grove shall provide notice to the employee whether the requested leave shall count against his or her family/medical leave entitlement.

12.8 Medical Certification

Leave requests based on the serious health condition of the employee or the employee's spouse, child or parent must be supported by written medical certification from a health care provider on a form provided by the City.

The medical certification for a child, spouse or parent with a serious health condition shall include:

- The date, if known, on which the serious health condition commenced;
- The probable duration of the condition;
- The health care provider's estimate of the amount of time needed for family care;
- A statement that the health care condition warrants the participation of the employee to provide family care; and
- In the case of intermittent or reduced schedule where medically necessary, the probable duration of such a schedule.

The medical certification for leave for the employee's own serious health condition shall include:

- The date, if known, on which the serious health condition commenced;
- The probable duration of the condition;
- A statement that, due to the serious health condition, the employee is unable to perform one or more of the essential functions of his or her position; and
- In the case of intermittent leave or reduced schedule leave where medically necessary, the probable duration of such a schedule.

If there is a dispute about the initial medical certification regarding the employee's own serious health condition, the City may require a second opinion by a health care provider of its choice at the City's expense. If the employee's health care provider and the health care provider providing the second opinion do not agree, the City may require a third opinion, also at the City's expense, performed by a mutually agreeable doctor who will make the final determination.

Failure to provide the requested medical certification may result in denial of a request for a foreseeable leave of absence until the required certification is provided. With respect to unforeseeable leaves, employees who fail to provide medical certification within a reasonable time under the circumstances may be denied continuation of the leave. Leaves for a serious health condition that are expected to exceed thirty (30) days require medical certification every thirty (30) days to support the continued need for leave of absence. All employees requesting a leave extension must provide an updated medical certification detailing the need for continued leave prior to the expiration of their approved leave.

12.9 Return to Work

All employees returning from a medical leave for their own serious health condition must provide medical certification of their fitness to return to work at least five (5) business days prior to their scheduled return date.

Upon return from an approved family or medical leave of no more than twelve (12) weeks duration, the employee will be reinstated to his or her same position or one that is equivalent in pay, benefits and terms and conditions of employment if the prior position has ceased to exist. Reinstatement may be denied to certain key employees, pursuant to applicable law, if necessary, for City operations.

Employees who do not return to work after taking the maximum amount of leave will be considered to have resigned, unless the employee obtains approval to extend the leave prior to his or her or planned return date. Acceptance of other employment during a family and/or medical leave will be considered a voluntary resignation.

12.10 California Family Rights Act (“CFRA”)

Employees who have worked for at least twelve (12) months for the City, and who have at least 1,250 hours of employment, are entitled to take a twelve (12) week leave under CFRA for any reason authorized by law, including for the birth of a child of the employee, the placement of a child with an employee in connection with the adoption or foster care of the child by the employee, or the serious health condition of a child of the employee; to care for a parent, spouse, or registered domestic partner who has a serious health condition; or because of the employee’s own serious health condition. CFRA and FMLA leave time may run concurrently.

12.11 Pregnancy Disability Leave (“PDL”)

Employees disabled due to pregnancy, childbirth or related medical conditions are entitled to a leave of absence for the time they are disabled up to a maximum of four (4) months. Employees are eligible for PDL upon hire. PDL may run concurrently to any family care or medical leave to which the employee may be entitled.

12.11.1 Leave Request Procedure

Notification must be given, where possible, at least thirty (30) days in advance of the leave by completing a leave of absence request form. Failure to comply with the notice requirement may result in deferral of the requested leave until such time as the employee complies with the notice provisions.

12.11.2 Medical Certification

An employee is required to provide written medical certification of disability. If the employee’s condition meets the requirements of a serious health condition, the certification provided for family medical leave is sufficient.

12.11.3 Duration of Pregnancy Disability/Maternity Leave

The maximum length of pregnancy disability leave is four (4) months for each pregnancy. Following the expiration of an employee’s pregnancy disability leave, the employee is entitled to an additional twelve (12) weeks of leave under the CFRA due to the birth of the employee’s child. Thus, the maximum leave entitlement for a woman disabled due to pregnancy or a related medical condition is 4 months plus 12 weeks.

12.11.4 Accommodation of Pregnancy-Related Disabilities

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Upon request, an employee is entitled to a reasonable accommodation for disability arising from pregnancy, childbirth, or related medical conditions if she provides medical certification from her health care provider. Such accommodation may include a temporary transfer to a less strenuous or hazardous position for the duration of her pregnancy. A transfer is available, upon request, if the transfer is supported by a medical certification from the employee's health care provider and such transfer can be reasonably accommodated. The City, however, will not create an additional position, discharge any employee, reassign an employee with more seniority, or promote or transfer any employee who is not qualified to perform the new job in order to accommodate a request for a transfer.

12.11.5 Compensation and Benefits during Leave

Pregnancy disability/maternity leaves are unpaid. An employee may elect, however, to use any available leave. The use of these leaves does not extend the length of the leave, but merely provides a means to continue compensation to the extent such benefits exist. It is the responsibility of the employee on medical leave to apply for State Disability Insurance (SDI) benefits, or other disability benefits, as may be applicable. These benefits may be coordinated with any accrued paid leave benefits from the City.

Length of employment credits and Annual Leave will continue to accrue only during the City paid portion of a pregnancy disability/maternity leave.

The City will maintain all health-related insurance benefits for eligible employees during a pregnancy disability/maternity leave up to the maximum leave available for women disabled due to pregnancy, i.e., four (4) months plus twelve (12) weeks concurrent with CFRA. Employees shall continue to pay their monthly portion of the health premium during pregnancy disability/maternity leave.

12.11.6 Return to Work

All employees returning from a pregnancy disability leave must provide medical certification of their fitness to return to work at least five (5) business days prior to their scheduled return. Upon return from an authorized pregnancy disability/maternity leave, the employee will be reinstated to her same position, unless legitimate business reasons prevent reinstatement. Employees who do not return to work after taking the maximum amount of leave will be considered to have resigned, unless the employee obtains approval to extend the leave prior to her planned return date. Acceptance of other employment during a pregnancy disability/maternity leave will be considered a voluntary resignation.

12.11.7 Lactation Breaks

Employees wishing to express breast milk for their infant child during their shift shall be permitted to do so during any authorized break. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding thirty minutes will be considered unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify her supervisor prior to taking such a break and such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

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Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

The City will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a toilet stall (Labor Code § 1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance. Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

Any employee storing expressed milk in any authorized refrigerated area within the City shall clearly label it as such. No expressed milk shall be stored at the City beyond the employee's shift.

12.12 Medical Demotion, Transfer, Termination, or Retirement

A Department Head, with the concurrence of the Human Resources Department, may require an employee to submit to a medical examination by a physician or physicians designated by the Human Resources Department to evaluate the capacity of the employee to perform the work of the position. When such a requirement is made of an employee, fees for the examination shall be paid by the City. Refusal of an employee to submit to examinations or other tests as ordered by the City Manager shall be cause for discipline up to and including termination.

When the Department Head, after considering the conclusions of the medical examination provided for by this section or medical reports from the employee's physician and other pertinent information, finds medical cause that the employee is unable to perform the work of the present class of position, but is qualified and able to perform the work of another class of position of less capacity, the Department Head may initiate a demotion or transfer of the employee to such an available position in the department for which the employee meets the minimum qualifications as determined by the Human Resources Department.

When the Department Head finds that a medical cause exists and the employee is unable to perform the work of the present position, or any other available position in the department, the employee may be terminated. All original copies of medical reports, findings, and information shall be submitted by the Department Head to the Human Resources Department to be placed in the employee's file.

A reassignment or discharge due to a finding of unfitness for duty must be authorized by the City Manager.

The Human Resources Department shall make applications on behalf of the City of Elk Grove for disability retirement for all employees regardless of classification and shall initiate requests for reinstatement of such employees who are retired for disability.

The Human Resources Department shall make determinations, under the applicable sections of the Government Code, on behalf of the City of Elk Grove, of disability, and whether such disability is industrial-related, for employees classified as local safety members. The Human Resources Department shall certify such determinations and other necessary information to the California Public Employees' Retirement System.

13. LEAVES OF ABSENCE (OTHER)

13.1 Bereavement Leave

Full-time employees are eligible for a maximum of forty (40) hours of paid bereavement leave in the event of the death of a member of the employee's immediate family. Employees shall give notice to his/her immediate supervisor prior to taking such leave.

13.2 Military Leave

Military leave shall be granted by the Department Head in accordance with the provisions of state law. All employees entitled to military leave shall give the Department Head an opportunity within the limits of such military regulations to determine when such leave shall be taken and shall provide the Department Head with a copy of the military orders.

Full-time employees who are members of a military reserve unit, that requires attendance for monthly and annual training sessions, will be provided a plan that allows for the performance of the training without loss of income. The City will pay qualified employees any difference between his/her *base salary and the amount received in military reserve pay for regularly scheduled annual training that requires the employee to take military leave from his/her regular work week. In the alternative, employees may elect to use annual leave accruals while participating in monthly and annual training sessions during his/her regular work week.

An employee requesting military leave shall notify his/her immediate supervisor as soon as possible, preferably ten (10) working days in advance of the beginning date of such leave. When making a military leave request, the employee shall provide a copy of his/her active duty orders along with pay information to his/her supervisor with a copy to the Human Resources Department.

13.2.1 Supplemental Wage and Benefit Plan

Regular full-time employees who are on temporary military leave of absence for military duty ordered for purposes of active military training, inactive duty training, encampment, naval cruises, special exercises, or like activity as such member, is entitled to receive his or her salary or compensation as a public employee for the first 30 calendar days of any such absence. Pay for those purposes may not exceed 30 days in any one fiscal year. An employee who is activated for a tour of duty longer than thirty (30) days is then eligible to receive the difference between his/her military base pay and his/her base salary² with the City to ensure wage continuation for the period of active duty service up to eighteen (18) months. Said payment shall not extend beyond eighteen

² For purposes of this section, base salary shall exclude acting duty, additional duty, overtime, and canine allowance. It shall include additional pay the employee was earning at the time of call to duty, such as: detective, motorcycle, educational incentive, and P.O.S.T. certificate incentives.

(18) months unless approved in writing by the City Manager. In the alternative, employees may elect to use annual leave accruals while serving emergency active duty during his/her regular work weeks.

Requests for Supplemental Wage Benefits must be accompanied by documentation, issued by the applicable military branch, verifying the employee's rate of military pay in effect at the time the leave request is made. The employee shall submit monthly pay documentation for the duration of military leave to ensure continued accuracy with the Supplemental Wage Benefit.

Once the amount of the Supplemental Wage Benefit is determined, the City shall provide written notice of the employee's military leave status, the amount of Supplemental Wage Benefit available and status of benefits during the period of leave. This notice will be sent to the employee at his/her address on record with the City. Supplemental Wage Benefits will be payable with established City payroll schedules.

13.2.2 Continuation of Benefits

Employees will continue to accrue service credit for purposes of CalPERS retirement, at the same rate they would if they were not on military leave, regardless of whether their leave is short term or long term. This will be credited upon the employee's return to employment with nothing less than an honorable discharge in compliance with the Uniformed Services Employment and Reemployment Rights Act, (USERRA) and the submittal of a copy of the employees DD214 and the required forms to CalPERS.

Employees may elect to continue participation in City-sponsored medical, dental, and vision benefit plans during periods of an employee's assignment to active military duty. If an employee elects to continue participation in these plans, the City shall continue to contribute towards medical, dental, and vision benefits for the employee and his/her dependents at the contribution rate then in effect.

Employees who contribute to a deferred compensation plan may continue to do so during a period of military leave of absence, in the same manner that s/he would defer as an active employee. The City's discretionary contribution towards such benefits will continue as long as the employee participates in the deferred compensation plan as required by the plan document to receive the discretionary contribution for the duration of the employee's active military duty assignment.

Employee contributions to benefits plans, if any, shall be deducted from an employee's Supplemental Wage payments. In the event that Supplemental Wage amount is insufficient to cover the cost of the employee benefits contribution, then the employee shall be responsible for remitting benefit premiums in a form and manner prescribed by the City.

Failure to remit employee premium contributions shall result in termination of coverage. Employees who drop benefit coverage during a period of leave may resume coverage upon return to active City employment without a waiting period consistent with USERRA and the terms of the City's group plan insurance policy.

Supplemental Wages are subject to state and federal income tax withholding. Recipients of Supplemental Wage payments may elect to continue voluntary payroll deductions.

13.2.3 Return to Work

All City employees, regardless of position or how long they have worked for the City, are allowed to take up to six (6) months of military leave, called "Short-Term Military Leave." Employees on less than a thirty (30) day military leave shall report to work the following scheduled workday after their leave has been completed, sufficient drive time to return home and an eight (8) hour rest period. Employees who have been on longer than thirty (30) day military leave and wish to return to City service need to request reinstatement within fourteen (14) days after their leave terminates.

City employees are eligible for "Long-Term Military Leave," which can last from six (6) months to five (5) years. Employees who wish to return to City service following Long-Term Military Leave need to request reinstatement within six (6) months after their leave terminates. The employee must supply a copy of their DD214 to the Human Resources Department upon return to employment.

13.3 Leaves of Absence Without Pay

The City Manager or his/her designee may grant an employee a leave of absence without pay or seniority accrual, not to exceed three (3) months. After three (3) months, the leave of absence may be extended, if authorized by the Human Resource Officer. Leaves of absence taken pursuant to this section must be for extraordinary reasons as determined by the City Manager or his/her designee and must be for reasons which are not covered by any other leave provision set forth in these policies or as provided by law. No such leave shall be granted except upon written request of the employee setting forth the reason for the request, and such approval shall be made in writing. The depositing of a postage-paid, first class letter in the United States mail addressed to the employee's last known place of residence shall be reasonable notice to return to duty. Upon expiration of a regularly approved leave or within a reasonable period of time after notice to return to duty, the employee may be reinstated to the position held at the time the leave was granted. Reinstatement, however, is not guaranteed. Failure on the part of an employee on leave to report promptly after the leave has expired or within a reasonable time after notice to return to duty could result in immediate termination.

Department Heads may grant an employee leave of absence without pay for a period not to exceed one (1) calendar week. Such leaves shall be reported to the Human Resources Department.

13.4 Jury Duty/Court Testimony

It is the City's policy to enable its employees to fulfill their civil obligations. If called to serve on jury duty, the employee shall immediately notify his/her supervisor. As required by law, any full-time employee of the City who is required to serve as a juror shall be entitled to be absent from his/her duties with the City during the period of such service provided the employee provides reasonable advance notice.

The City will also provide employees with time off to appear in Court or other administrative proceedings as a witness to comply with a valid subpoena or other Court order or to obtain any relief, including a temporary restraining order, to help ensure the health safety, or welfare of a domestic violence victim or child.

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While on jury duty and while serving as a non-party witness in response to a subpoena, the employee shall receive full compensation, for the time that the employee is required to be on jury duty service. Whenever a civil or criminal subpoena requires the appearance of an employee for a hearing or court matter regarding City of Elk Grove matters, time away from work will be paid. Exempt employees will be paid for such service in accordance with law. Any additional compensation received, except mileage reimbursement, from the court will be submitted to Payroll and will be included as a credit toward total remuneration. On any day the employee is not required to serve on jury duty, not required to be physically present or is relieved for the day, the employee will be expected to be at the workplace unless there is one (1) hour or less left in the workday.

An employee shall not be paid for working hours lost as a result of proceedings to which he or she is a party, except as required by law.

This policy does not apply to employees who elect to serve as expert witnesses. If an employee elects to do so, accrued Annual Leave or Administrative Leave hours must be used.

13.5 Voting Time

Registered voters who do not have sufficient time outside normal working hours may, without loss of pay, take time off to vote at the beginning or end of their regular workday. Time off should be approved by the supervisor at least two (2) working days in advance of the election.

Employees will be provided up to a maximum of two (2) hours paid time off for voting purposes. If additional time is required, it will be provided without pay.

13.6 Industrial Disability Leave

A. Industrial Disability Leave with Pay

1. Each employee covered by Safety Member Retirement shall be granted by the City a paid industrial disability leave as prescribed by California Labor Code 4850 up to one (1) year from the date of injury or illness. Employees shall accrue full benefits during the period of Labor Code Section 4850 paid leave. Before granting 4850 leave, or authorizing a return to work, the Department Head shall consult with the Human Resources Department.
2. Each regular employee not covered by Labor Code Section 4850, shall be granted an industrial disability leave in accordance with the following rules:
 - (a) Employees shall be required to use any accrued leave benefits in order to receive paid leave.
 - (b) Employees' earnings will be adjusted to the differential between amount paid and any industrial disability benefits received during the period of paid leave.
 - (c) Employees shall have leave benefits reinstated in the equivalent value of the disability benefits.
 - (d) During the period of paid industrial disability leave, employees will continue to accrue full benefits for vacation, sick leave, and holidays. Benefits for retirement and social security will be accrued on the salary differential representing the adjusted leave benefits.

B. Industrial Disability Leave without pay.

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1. Each regular employee who is injured or contracts an industrial illness while on duty shall be granted an unpaid disability leave by the City from the time accrued leave benefits are exhausted until the employee is released to return to work or it is determined by a physician the employee may not return to normal work. Before granting industrial disability leave, or authorizing a return to work, a Department Head shall consult with the Human Resources Department. Employees shall accrue no benefits while in this status except as provided in these rules.

13.7 Temporary Modified Duty

The City of Elk Grove acknowledges the high cost of workers' compensation insurance and strives to reduce this cost by reasonable means. An essential feature of a cost containment effort includes the availability of temporary modified duty assignments which enable employees injured on or off the job to return to work as soon as medically authorized and in accordance with relevant laws. Therefore, the City hereby establishes temporary modified duty assignments in furtherance of the following objectives:

1. To return employees who are injured on or off the job to work as soon as medically authorized without the danger of re-injury.
2. To make the maximum use of the City's human resources.
3. To provide an opportunity for productive work to an injured employee while simultaneously accomplishing job duties for the City.
4. To reduce the number of lost workdays and unnecessary temporary total disability payments for employees injured on the job.
5. To reduce the total time off work in an unproductive status, which may contribute to general depression of injured workers.
6. To reinstate self-confidence and dignity through an early return to work and to allow the employee to progress to a full duty status.
7. To assist injured employees in the preservation of their overall financial security and accrued leave benefits.

All injuries/illnesses that qualify for protection under federal and California laws will be treated according to the terms specified in relevant law and City policy.

Temporary Modified Duty Assignments

Definition:

The assignment of an injured worker with a temporary medical restriction who is employed in an active status to:

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1. The usual job classification with select duties excluded to comply with medical restrictions.
2. Alternative job duties which accommodate the medical restrictions.

Temporary modified duty assignments may be utilized for a maximum of nine (9) months for the same injury or illness. This limitation shall not apply in circumstances where the ADA or California disability laws apply and where the employee has availed him/herself of those protections.

This program will be directed by the Human Resources Department.

Procedure:

1. After initial treatment by the employee's medical provider, employees released to work on full duty status or on modified duty with medical restrictions must provide a Return to Work Authorization form to Risk Management or the Human Resources Department certifying that the employee can perform the essential functions of the job with or without reasonable accommodation(s).
2. If no temporary modified duty assignments are available, the employee will be placed off work on temporary total disability until modified duty work becomes available, or the medical restrictions are removed.
3. If an employee declines work in a modified duty assignment, the temporary total disability benefit will not be paid by the workers' compensation claims administrator. Sick leave or other leaves will be subject to the approval of the immediate supervisor or the Human Resources Department.
 - a. The City will follow the medical restrictions described by of the treating physician when an employee is released to return to work.
4. End of Modified Duty Assignment. Once the employee is permanent and stationary and/or has served in a temporary modified duty position for nine (9) months, or less if warranted, the parties shall engage in the interactive process to determine other reasonable accommodation. This may include: (1) returning the employee to full duty; (2) granting a request for a disability accommodation under the ADA and/or California law (which may include a transfer to another assignment); (3) recommending disability retirement; (4) providing an unpaid leave of absence pursuant to the Personnel Rules & Regulations; (5) allowing sick leave or FMLA leave; or (6) initiating non-punitive medical separation if none of the above are appropriate.
 - a. The injured employee may appeal the nine (9) month limit for temporary modified work. This appeal must be made in writing and must be submitted to the attention of the Human Resources Department within five (5) working days of notification to the employee that the nine (9) month period of temporary modified work has been exhausted. The appeal will be reviewed by a committee which includes the

Human Resources Department, the Department Head (or designee), and the Risk Analyst. The employee will be notified of the outcome.

5. An employee who is off work because the nine (9) months of temporary modified duty has been exhausted is required to be available to respond to the City's phone calls for information or assistance with business related items as they arise during his/her regularly assigned work hours.
6. An employee on temporary modified duty shall attend medical appointments as reasonably necessary to address the temporary medical restriction forming the basis for the temporary modified duty assignment. Failure to do so could result in a revocation of the temporary modified duty assignment.
7. Employees Currently on Modified Duty. Employees who are on modified duty as of the effective date of this policy may be provided a temporary modified duty assignment for a period of nine (9) months starting the effective date of this policy. Approximately ninety (90) days prior to the expiration of the nine (9) month temporary modified duty assignment, the Human Resources Department will notify employees of the options set forth in subsection 4 above. Prior to the expiration of the nine (9) month temporary modified duty assignment, the Human Resources Department will consider and discuss with those employees the options set forth in subsection 4 above.

13.8 Domestic Violence Leave

Employees shall be granted such leave as required by law.

13.9 Volunteer/Emergency Duty

The City shall grant employees leave to perform volunteer firefighter and/or emergency duties as required by law.

13.10 Religious Holidays

Upon adequate advance notice, the City will make reasonable accommodations, by rescheduling working hours or releasing from work without pay, an employee to allow observance of a religious holiday, provided that the accommodation would not impose an undue hardship on the City.

13.11 Leave Pending Disability Retirement

An employee who has applied for disability retirement and who has exhausted all available leave shall be approved for a leave of absence without compensation and benefit accrual, pending the decision on the disability retirement application.

13.12 Employee Flexible Furlough Leave

The purpose of the flexible Furlough Leave Program is to establish a furlough program and procedure designed to achieve cost savings. The City Manager will have the authority to implement a furlough program in accordance with these policies and subject to the terms of any collective bargaining agreement. The City Manager shall meet and confer with any employee organization, as required by law, prior to the implementation of any furlough program.

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The total number of hours an employee is to be furloughed is declared by the City Manager.

13.12.1 *Salary and Benefits*

- a. During any period of furlough, affected employees shall have their pay reduced by a percentage established by the City Manager.
- b. Each employee shall be credited with an equivalent number of “furlough hours” which will be stored in a “Furlough Leave” bank.
- c. Furlough hours may not be donated to other employees.
- d. Employees shall continue to earn annual leave accruals and benefits contributions based on their status prior to the implementation of the furlough. PERS service credit shall not be impacted based on the furlough program.
- e. Employees in designated positions who are off work and on unpaid status during any period of furlough shall not be subject to the pay reduction until such time as they return to work. Furlough reductions shall not be applied retroactively. Employees in designated positions who are off work and on paid status using 100% of leave balances during any period of furlough shall be subject to the pay reduction.
- f. An employee may not use other leave balances in lieu of taking a pay reduction for any furlough program period.
- g. In the event an employee separates during the furlough period, the employee shall be allowed to use any furlough hours during their final dates of employment. Furlough leave hours shall have no value.
- h. For the purpose of annual cash out periods, furloughs will not count as leave time taken to qualify for cash out of Annual Leave or Administrative Leave.

13.12.2 *Scheduling Hours*

- a. The City Manager shall designate the time by which all furlough leaves hours must be taken.
- b. Employees shall get supervisor approval for all furlough hours taken.
- c. Supervisors and managers shall schedule and manage furlough hours taken in a manner that causes the least amount of disruption of service as possible.
- d. Furlough time may be used in conjunction with paid holidays, annual leave, CTO or administrative leave.
- e. Employees must take all furlough hours off prior to the end of the furlough period.
- f. Any exceptions to the time designation for the furlough days to be taken must have the concurrence of the employee, employee’s manager and the City Manager and must be due to extraordinary circumstance.
- g. Furlough hours shall not be used in conjunction with Workers’ Compensation or other leave without pay.

13.12.3 *Backfilling Vacancies*

- a. While an employee is on Furlough leave, the Department will not utilize temporary employees to backfill the furloughed employee.

14. REST BREAKS/MEAL PERIODS

14.1 Rest Break Periods

Employees may be allowed rest periods of (15) fifteen minutes during the mid-portion of the first and second half of a shift. Rest periods shall be scheduled in accordance with the requirements of the department, but in no case shall rest periods be scheduled within (1) one hour of the beginning or ending of a work shift or lunch period. The Department Head may designate the time and location or locations at which rest periods may be taken. Rest periods shall be considered hours worked and employees may be required to perform duties, if necessary. Breaks may not be accumulated and used as excused time off.

14.2 Meal Periods

The City of Elk Grove grants non-exempt employees a one (1) hour unpaid meal period for employees working an eight (8) hour shift. If a meal period is less than thirty (30) minutes, or if an employee is required to remain at their post or to perform any job duties during this time, the meal period will be paid as hours worked. Breaks may not be accumulated and used as excused time off.

15. HOLIDAYS

The City of Elk Grove shall provide Employees up to 8 hours off for each holiday listed commensurate with the Employee’s regular work schedule.. The following days are recognized as paid holidays for all eligible employees:

- | | |
|---|------------------------|
| New Year’s Day | Veterans Day |
| Martin Luther King Jr. Day | Thanksgiving Day |
| President’s Day (Washington’s Birthday) | Day after Thanksgiving |
| Memorial Day | Christmas Eve |
| 4th of July (Independence Day) | Christmas Day |
| Labor Day | New Year’s Eve |

Employees who are assigned by the Police Chief to work shifts shall receive a 5% Holiday Pay differential. Holiday Pay shall be multiplied by the employee’s salary step. Employees with accrued Holiday Leave credits on the books may take such time off and cash out such time in the same manner as Annual Leave. Holiday Pay shall be compensable for retirement purposes consistent with CalPERS policy.

15.1 Floating Holiday

Regular full-time employees shall receive one (1) floating holiday per fiscal year. Employees who work between thirty (30) and forty (40) hours per week shall be entitled to a prorated floating holiday. Employees in a Job Share agreement shall be entitled to one half (1/2) of a floating holiday per fiscal year, consistent with section 11.4 Part-time employees who work less than thirty (30) hours per week shall not receive any floating holiday hours. The floating holiday shall be credited to each employee upon hire and continually on the first full pay period in July. The floating holiday shall be credited to the employee’s Floater Leave bank.

Employees must use all the floating holiday hours in the fiscal year they are received. If an employee has unused floating holiday hours from the previous fiscal year, the employee will lose those floating holiday hours.

15.2 Scheduling

Due to the nature of our business, eligible employees may not be able to take the holiday on the day it occurs but may be given a substitute day off. It is intended that all eligible employees receive holiday time off; however, the final decision for granting holiday time off rests with the Department Head or designee.

15.3 Holiday Timing

Holidays falling on Sunday shall be observed on the following Monday. Holidays falling on Saturday shall be observed on the preceding Friday unless this, too, is a holiday and then the holiday shall be observed one (1) day sooner.

Full-time employees shall receive eight (8) hours pay for holidays. Employees in a Job Share agreement shall receive four (4) hours pay per holiday, consistent with section 11.4. Employees whose regular schedule is less than forty (40) hours per week shall receive pay for these holidays commensurate with the percentage of hours worked based upon a forty (40)-hour workweek. Part-time employees who work less than thirty (30) hours per week are not eligible for paid holidays.

If a holiday falls on an employee's regularly scheduled time off, the employee will be given an equivalent amount of time off to be scheduled with and approved by his/her supervisor before the end of the calendar year, unless approved for carryover by the City Manager. An employee must either work both the regularly scheduled workday immediately prior to a holiday and the regularly scheduled workday immediately after that holiday, or be on an approved paid leave, paid disability, workers compensation or PFL in order to receive holiday pay.

Employees who are assigned by the Police Chief to work shifts shall accrue time in lieu of the prescribed holidays listed. Such time shall be designated as "holiday leave" and shall be treated by the City and the employee in the same manner as the employee's Annual Leave bank. Employees with accrued "holiday leave" credits may take such time off and cash out such time in the same manner as Annual Leave.

Effective July 1, 2011, employees eligible for "holiday leave" will no longer accrue time; instead, such employees shall receive a five percent (5%) holiday pay differential. The holiday pay differential shall be multiplied by the employee's step hourly rate and shall be compensable for retirement (CalPERS) purposes.

16. REASONABLE CAUSE

Reasonable cause refers to the condition or conditions existing which may justify the reprimand, discharge, demotion, or suspension of an employee. Reasonable cause may include, but not be limited to, the following:

- a) Omission or willful misrepresentation of a material fact or other fraud in securing employment;
- b) Unsatisfactory performance;
- c) Inefficiency;
- d) Insubordination;
- e) Discourteous or disrespectful treatment of the public or other employees;

- f) Failure to get along with other employees;
- g) Conviction of a felony;
- h) Political activity prohibited by state or federal law;
- i) Conduct either during or outside duty hours which causes discredit to the department or the City;
- j) Unexcused absence from duty, abuse of leave, or excessive absenteeism (except for those absences related to qualifying family medical leave);
- k) Violation of a departmental rule or City policy;
- l) Incompetence;
- m) Inexcusable neglect of duties;
- n) Dishonesty;
- o) The use of alcohol, drugs, or medications which impair an employee's ability to effectively and safely perform job duties; and
- p) Failure to possess or keep in effect any license, certificate, or other similar requirement specified in the employee's position specification.

17. DISCIPLINARY PROCESS

Disciplinary action means termination, demotion (except for demotion due to layoff or reduction in force), salary reduction, suspension without pay and written reprimand. The disciplinary process is used to correct behaviors and/or performance that do not comply with the rules, procedures and expectations of the City. Department Heads, probationary employees, and City Council Assistants, as described in Section 8 (Conditions of Employment), shall not be entitled to the disciplinary process set forth in this Section 17. Employees in a supervisory capacity may follow the procedure outlined below. There may be particular situations, however, in which one or more steps in the procedure may be omitted. The Department Head and the Human Resources Department shall be consulted prior to administering any step in the disciplinary process.

17.1 Notice of Disciplinary Action

A. Written Notice

A Department Head or designee who proposes disciplinary action against an employee with a suspension without pay that is greater than five (5) days, demotion (except for demotion in lieu of layoff), salary reduction or termination, shall first serve the employee with notice of the proposed discipline including the right to respond to the City Manager (or designee) prior to the effective date of the action being taken. The notice shall be served at least seven (7) calendar days prior to the effective day of the action and shall be served on the employee personally or by certified mail. If the employee is personally served, the date of service shall be considered the first day of notification. If the employee is served by certified mail, notification shall be deemed effective two (2) calendar days after the mailing.

B. Skelly Meeting

The notice of the proposed discipline shall clearly specify the proposed action taken, the reason for the action including the particular facts and specific incident(s) involved, the effective date(s) of the proposed action, and, in cases of demotion, shall contain a statement as to the wages and duties of the new position. The notice shall also advise the employee that a copy of the material upon which the action taken is based is attached or available for review upon request during normal business hours; and of the right to be represented and to respond verbally

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or in writing to the City Manager (or designee) prior to the effective date of the action (a “*Skelly*” meeting).

C. Post-Skelly Meeting

Within ten (10) calendar days of notice of the determination(s) made as a result of the *Skelly* meeting, the employee may request, in writing, a meeting with the City Manager (or designee) to consider the action, at which the City and the employee may present evidence on the propriety of the decision. A failure to timely written request such meeting shall constitute a waiver of the meeting. The City Manager or designee conducting the meeting is not bound by the determinations made at the *Skelly* meeting, shall independently review and consider any evidence presented, shall make independent determinations, and may accept or modify the determinations resulting from the *Skelly* meeting.

D. Reassignment During Disciplinary Proceedings

A Department Head or designated representative taking disciplinary action against an employee may, when it is necessary for the operation of the department or to conduct an investigation into the allegations, assign the employee to less critical duties during the pendency of the disciplinary proceedings, provided that the employee shall not be demoted or subject to a salary reduction during this period. When circumstances exist that require the immediate removal of the employee from the premises and/or the position, the City Manager or designated representative may place the employee on paid administrative leave, subject to call, until conclusion of an investigation into the allegations and/or dispensation of the disciplinary action.

17.2 Progressive Discipline Procedure

While supervisors are encouraged to use this progressive approach to discipline in most circumstances, they are not required to, and serious infractions of discipline standards may call for appropriate responses, including bypassing progressive discipline steps as described in this policy. Counseling, warnings, and reprimands, or any other step of the progressive discipline process may be bypassed if the employee’s action warrants a more severe response. An employee will not be suspended, demoted, receive a salary reduction, or be terminated without prior authorization of the City Manager and/or the Human Resources Department.

- A. *Informal Actions* - Consist of discussions, coaching, and counseling intended as a mutual exchange of ideas between a supervisor and a subordinate. The intention is to provide direction, clarification, or explanation of duties, standards, policies, rules, and guidance with respect to performance and/or behavior. Informal actions should be documented and become part of the *departmental* personnel file. Informal actions are not discipline.
- B. *Formal Actions* - Formal actions are taken when either the employee did not respond to the informal actions or the nature of the problem requires a more directed response from management. Formal actions become part of the employee’s personnel file.

17.3 Process for Formal Actions

- A. *Oral Reprimand* - A formal discussion with an employee about performance, conduct, or other issue/concern(s).

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Employees may be reprimanded once verbally before receiving a written reprimand, unless circumstances dictate otherwise. The manager will summarize this oral action with documentation concerning the conversation. This document is placed in the employee's personnel file and a copy is given to the employee. The employee is required to sign it.

- B. *Written Reprimand* - A written document presented to an employee regarding performance, conduct or other issue/concern(s). The employee is required to sign it.

In the event of another performance problem or violation of any of the City's policies, rules, or regulations, a written reprimand may be issued. A copy of the reprimand will be provided to the employee and a copy placed in the employee's personnel file.

- C. *Additional Disciplinary Action* – Additional disciplinary action will be presented to an employee regarding performance, conduct or other issue/concern(s) after previous discipline has proved to be ineffective. The additional disciplinary action may include, but is not limited to, the following:

- Suspension Involuntary absence without pay for a specified period. Generally, when a suspension is for disciplinary purposes, it is without pay. Management employees designated as FLSA exempt may only be suspended without pay as permitted under the FLSA, which generally will be for one or more full days (not partial days). No suspension will exceed thirty (30) days.
- Salary Reduction - A reduction in pay from the employee's current level within a pay range to any lower level within that same range.
- Demotion - Reduction from a position in one classification to a position in another classification having a lower salary range allocation.
- Termination - The involuntary separation of an employee from employment with the City. The final step in the progressive discipline process may be termination. Termination as the result of the progressive discipline process is taken when all previous disciplinary action has failed to improve performance and/or behavior, or when a particular offense, or combination of related or unrelated offenses, warrants such action.

Any or all of the foregoing steps of progressive discipline may be utilized, depending upon the nature of the problem being addressed. Exceptions to or deviations from the normal process may occur whenever the Department Head, in consultation with the Human Resources Department, deems it appropriate. Any of the disciplinary steps listed under Additional Disciplinary Action above requires the approval of the City Manager.

17.4 Documentation of Informal/Formal Actions

Whether the action taken is informal or formal, the following documentation is required:

- Current date;
- A statement of behavior, problem(s), and/or issues(s);
- The supervisor's direction, policy, procedure or rule that was violated;

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- A summary of prior counseling or disciplinary actions on this conduct and any meeting held with the employee;
- A statement of the discipline being administered (reprimand, suspension, demotion, etc.);
- Required change; and
- Statement regarding what will happen next if issue is not resolved.

The employee is not required to sign the documentation of informal action. All formal documentation shall be submitted to the Human Resources Department and will be placed in the employee's personnel file.

18. SEVERANCE PAY

Severance pay may be granted at the discretion of the City Manager.

19. ISSUE RESOLUTION PROCESS

The City wishes to ensure that it has procedures in place that foster open communication between employees, their supervisors, and City management. The City is interested in learning of any situation that may cause issues for you on the job. Such situations cannot be evaluated unless you make them known to the City. If you have a question, the process described below is designed to give you the opportunity to bring it out in the open and discuss it with appropriate supervisors and managers. This process is not for use in matters involving the "Performance Management Objectives" (PMO) process, employee discipline, discrimination, harassment, grievance process (outlined in Elk Grove Police Officer Association Memorandum of Understanding), or another workplace misconduct. Circumstances involving any of these issues are to be addressed in accordance with the specific policies or memorandum of understanding addressing those matters.

19.1 Issue Resolution Process Steps

Step 1: Talk with your immediate supervisor as soon as possible after you become aware of an issue. Your supervisor is the person responsible for what goes on in your immediate work area or department. He or she will review your issue with you, keep you informed of progress regarding consideration of the issue you have raised, and will give you a reply within five (5) working days, unless additional time is needed.

Step 2: If you feel the issue has not been solved to your satisfaction with your immediate supervisor, you may file a written statement concerning the issue with your Department Head within five (5) working days of receiving your immediate supervisor's reply. A copy of your written statement will be sent to the City's Human Resources Department by your Department Head. You will be provided with a written response to your statement from your Department Head within five (5) working days of the submission of your written statement, unless additional time is needed.

Step 3: If you still feel your issue has not been solved following your receipt of your Department Head's written response, you may file a written statement with the City Manager within five (5) working days. The City Manager will provide you with a written response within five (5) working days of his/her receipt of your written statement, unless additional time is needed. The City Manager's written response to your statement shall be final.

20. NO SMOKING, TOBACCO AND MARIJUANA USE

The City of Elk Grove is dedicated to providing a safe and healthy work environment for all employees. Given the documented harmful effects of smoking and the potential hazards of passive smoke, the City will be smoke-free in all of its facilities, which includes the smoking of tobacco, e-cigarettes, marijuana (cannabis), or any other substance. Smoking within 20 feet of the main entrances, exits and operable windows is prohibited. In addition, City employees, interns, volunteers and contractors are prohibited from smoking, using any tobacco product (e.g., chewing tobacco) while operating a City vehicle or when dealing directly with a member of the public. City employees, interns, volunteers or contractors are also prohibited from ingesting any marijuana (cannabis) product while at work. Provisions may be made for designated outdoor smoking areas.

21. REASSIGNMENT

The City reserves the right to reassign employees based upon the needs of the City of Elk Grove. A reasonable attempt will be made to place employees into vacant positions without the need to decrease pay and/or other benefits.

22. WORKPLACE VIOLENCE PREVENTION POLICY

22.1 Goal

It is the goal of the City of Elk Grove to provide an environment free from threats, intimidation, or actual violence to its employees or the citizens served in the course of employment.

22.2 Policy Statement

As a part of the City's continuing commitment to workplace safety, the City Council, Department Heads, volunteers, and all other employees of the City of Elk Grove, are committed to making every effort to ensure that an atmosphere free from actual or threatened violence against any employee(s) or citizens served is established and maintained.

Any acts of violence or threatening conduct, whether directed against another employee of the City or an outside party will not be tolerated. This conduct includes but is not limited to:

- Striking, punching, slapping or otherwise physically assaulting another person;
- Fighting or challenging another person to a fight, grabbing, pinching or touching another person in an unwanted fashion (whether sexually or otherwise);
- Bringing any unauthorized firearm, knife or other weapon into/onto City owned or leased property;
- Threatening or harming another person in any way, whether verbal, written or physical;
- Any intimidating behavior reasonably perceived as a threat, including, but not limited to, yelling, shouting, swearing in anger, throwing things or slamming doors.

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Any employee found to have engaged in such unacceptable behavior will be appropriately disciplined pursuant to Personnel Rules Section 16, Reasonable Cause, up to and including termination from employment. In appropriate cases, the City will seek criminal prosecution or cooperation with law enforcement authorities.

No person shall be expected to tolerate violence or the threat of violence on the job. Any person who is the victim of any violent, threatening or harassing conduct, or who observes such conduct, shall report the conduct to his or her immediate supervisor. That supervisor shall initiate investigative procedures immediately and report such his/her department head who in turns shall report it to the Human Resources Department.

Appropriate actions will be taken to prevent any further violent conduct or threat of violent conduct from occurring or being repeated.

22.3 Responsibilities Under This Policy

City Manager:

The City Manager shall have the ultimate authority and responsibility for the effective implementation of the provisions of the City's Workplace Violence Prevention Policy.

Department Heads shall:

- Be responsible for implementing the Policy;
- Ensure that all managers and supervisors implement and maintain this Workplace Violence Prevention Policy;
- Assess the risk of the workplace violence and take action to mitigate any identified risk;
- Ensure that all managers/supervisors are fully informed of the elements of the Workplace Violence Prevention Policy;
- Ensure reception, front office, security, and other appropriate employees are immediately made aware of description (picture if possible) of the threatening employee, or citizen;
- Ensure that all reports of workplace violence or threats are immediately investigated, and the Human Resources Department is provided with a written final investigative report, including the follow-up procedures to be implemented;
- Supervise, evaluate and document employee behavior and performance in conformance with safe work practices.

Managers/Supervisors shall:

- Implement the Workplace Violence Prevention Policy in all work areas under their authority;
- Supervise, evaluate and document employee behavior and performance in conformance with safe work practices;
- Receive and ensure immediate investigation of any reports of violence or threat of violence;

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- Report all threats or violent acts to the Department Head or designee, and to the police if the potential for a criminal violation exists;
- Develop, assist in the development, and implement safe work practices for the control of potential workplace violence;
- Train employees in safe work practices and ensure that they are fully informed of all the elements of the Workplace Violence Prevention Policy;
- Ensure employees follow safe work practices;
- Ensure employee safety and security to the extent possible;
- Notify employees of a potential threat, if deemed appropriate under the circumstances.

All Employees shall:

- Not engage in violent, threatening or intimidating behavior toward any person;
- Not possess or have close at hand any unauthorized weapon during the course of employment with the City;
- Immediately report all threats or incidents of violent behavior to their immediate supervisor and to the police if the potential for a criminal violation exists;
- Immediately disengage from any act of violence or threatened violence and contact a supervisor;
- Be fully informed of all the elements of the Workplace Violence Prevention Policy and comply with said policy.

22.4 Communication and Reporting

Incident Investigation

The Department Head shall consult with the Human Resources Department before initiating an investigation of a violent or potentially violent incident. Under circumstances of imminent danger, the supervisor or person-in-charge shall contact the Human Resources Department whenever a Department Head is unavailable.

Threats or any incident that may violate this Policy shall be reported in person or anonymously to a department supervisor, Department Head, or the Human Resources Department.

An investigation shall be initiated immediately upon knowledge of the incident and shall conclude as soon as possible. The investigation may also include the Human Resources Department and law enforcement and shall include a review of previous incidents, if any. All individuals necessary to conduct a thorough investigation will be interviewed. All employees shall cooperate with the investigation without fear of retaliation.

The City shall utilize departmental meetings and posting to ensure that employees are aware of workplace violence issues.

When a Department Head or supervisor forms the opinion that circumstances create a danger to the safety of staff they shall:

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- a) Ensure reception, security, and other appropriate employees are immediately made aware of the potential threat and provide a complete description (picture if possible) of the threatening individual.
- b) Make a timely, informative telephone call to the Human Resources Department and the police if the potential for a criminal violation exists.
- c) If any other facilities are affected or are the object of the threats, ensure appropriate personnel at the facility are notified.

22.5 Searches

If there is reasonable suspicion that an employee has engaged in any inappropriate conduct, management reserves the right to conduct, without notice, searches and inspections of employer provided material/equipment on or in the City of Elk Grove property. This includes, but is not limited to, vehicles, e-mail, lockers, desks, personal computer files and file drawers. No employee may have an expectation of a right to privacy to any space on City premises or personal items on City premises, subject to any legal requirements that may exist.

22.6 Compliance

When a violation of the Workplace Violence Prevention Policy occurs, with concurrence of the Human Resources Department, the suspected employee(s) may be placed on paid administrative leave while an investigation is carried out. This decision will be based upon the following:

- 1) Type of complaint
- 2) Threat or actual violence
- 3) Past behavior of employee
- 4) Potential for reoccurrence

If appropriate, the availability of professional counseling shall be communicated to the victim and accused and may be required by the Department Head.

The victim will be protected to the extent practicable. This may include a temporary departmental transfer of the victim (or aggressor) or paid administrative leave.

The Department Head, with concurrence of the City Attorney, may request a temporary restraining order.

23. FIREARMS

1. The City of Elk Grove is committed to the principle that a work environment free of threats of violence, threatening behavior, and acts of violence is essential to providing effective and efficient government services. With the exception of paragraph 2 below, no person shall have in his/her possession, while on any property owned and/or leased by the City, City worksite (including outdoor worksites), or in City vehicles, any firearm or other dangerous weapon, or any explosive or destructive device. This includes individuals that have permits to carry a concealed weapon.

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- A. Firearms and other dangerous weapons (as defined in Section 12001, 12020, 12276, of the California Penal Code), includes, but is not limited to, pistols, handguns, rifles, shotguns, knives, swords, or martial arts weapons (such as nun chakus and tonfas).
 - B. Explosive or destructive devices (as defined in Section 12000 of the California Health and Safety Code) includes, but is not limited to, ammunition, fireworks, firecrackers, explosive or incendiary devices or materials.
2. This provision does not include peace officers (as defined by Sections 830-832.16 of the California Penal Code) authorized by law and their Department Head to carry weapons or employees who carry knives (and related implements) that are used as tools in the regular course of City business with the awareness and approval of their Department Head.
 3. The City Manager, with the concurrence of the Human Resources Department and affected Department Head may, in writing, authorize employees to carry a weapon for justifiable, documented, and work-related purposes.
 4. Specific situations arising with regard to the firearms policy stated above may be reviewed on a case by case basis taking into consideration the following:
 - a) It is the intent of this policy to ensure that all employees and the public conducting business with the City of Elk Grove be free from the threat of violence either by gesture, verbal threat, implied threat, or physical act while in the course of duties or obtaining services from the City;
 - b) Implementation of this policy shall not impede the regular and necessary conduct of City business; and
 - c) Interpretation of this policy shall not impede individual rights so long as the primary intent described above in 4 (a) is followed.

24. CONFIDENTIAL MATERIAL/CONFIDENTIALITY

Supervisors and managers are responsible for confidential material entrusted to or routed through them. All employee work histories, employee or personnel records maintained by the Human Resources Department, and information, memos of a confidential nature, etc., are always to be maintained in a secure locked cabinet when not in use. Supervisors are responsible for all books, reports and other confidential material in their care.

Employees should refrain from discussing items related to internal meetings, work incidents, or other confidential information, with the public or other employees not directly involved with the information. Confidential information will be shared only with those on a need-to-know basis.

25. COPYRIGHTED SOFTWARE

It is an offense, under current copyright laws, to copy or reproduce any copyrighted software without the express permission of the copyright owner. Therefore, the City of Elk Grove employees are prohibited from copying or reproducing copyrighted software and associated

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documentation outside the proper and authorized use of software within the City's normal business without the express permission of the City Manager or Finance & Administrative Services Director.

Questions regarding the use of copyrighted software should be directed to the IT Administrator or the City Attorney. Purchase and installation of any software on the City of Elk Grove computers needs the approval of the City Manager or Finance & Administrative Services Director. Illegal copying of computer software will not be tolerated and may result in disciplinary action up to and including termination.

For more information regarding appropriate computer use in the City of Elk Grove, please see Administrative Policy 1630-002 Computer Use.

26. DISTRIBUTION, SOLICITATION AND VENDING

The City of Elk Grove will restrict solicitation and distribution of material on its premises by non-employees. Solicitation by employees of the City is not permitted during work time. Limited solicitation, distribution and vending by employees may be permitted during non-working hours. Prior written approval, however, must be obtained from the Assistant City Manager. Distribution, solicitation or vending is not permitted in work areas at any time and is not permitted in non-work areas during the scheduled working hours of either the employee who is distributing, soliciting or vending or the employee who is the object of the activity. Employees may not solicit, distribute, or circulate for any purpose printed or written material in any work area at any time, except on matters directly related to the City of Elk Grove business.

27. DRESS CODE

The workplace should be conducive to productivity in an open, yet professional environment that maintains a professional image of the City at all times. All employees, therefore, are responsible for ensuring, and are expected to maintain, appropriate business attire throughout the organization.

Generally, conservative, professional dress appropriate for a business office is required. All City of Elk Grove employees must observe proper grooming and hygiene and will report for work in neat, appropriate business attire. Attire must be clean, pressed or wrinkle free, and without holes, rips or frayed areas. Examples of inappropriate attire include, but are not limited to, tight fitting, unduly revealing, soiled clothing, flip flops or beach wear, and/or t-shirts with logos.

Casual dress may be permitted if authorized as part of a City event. Casual dress, however, must be clean, neat and professional.

Department Heads will ask any employee who is deemed to be inappropriately dressed to return home to change into proper attire. Employees who are asked to leave because of inappropriate dress will not be compensated for any time spent going home or returning to work. Employees may be subject to discipline up to and including termination if they continually report to work inappropriately dressed.

This policy defines the minimum guidelines that will be enforced equally for all employees in all departments. Employees should check with their Department Head or supervisor for more formal

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or additional dress requirements that may be dictated by a specific assignment and/or interaction with the public.

Any questions regarding appropriate workplace attire should be directed to the employee's Department Manager, Supervisor, or the Human Resources Department.

27.1 Uniforms

The City will provide uniforms for the employees in classifications required to wear uniforms during the work day. The City will report to CalPERS monthly the uniform allowance.

28. USE OF CITY INFORMATION AND ELECTRONIC TECHNOLOGY

The City has established the following policy to govern use of electronic communications, email, Internet and telephones. By reference, the City's Administrative Policy #1630-001 – Email Management, Electronic Document and Mailbox Management, and Administrative Policy # 1630-002 – Computer Use, are expressly incorporated into these Rules and Regulations as they relate to access to, and use of, City-provided information and electronic technology, and all City employees are charged with knowing and abiding by all requirements set forth in the referenced Administrative Policies. Any inconsistency between the Rules and Regulations stated below and the aforementioned Administrative Policies is unintended and, in the case of any such inconsistency, the applicable Administrative Policy shall be controlling.

28.1 Information Technology Policy

The City provides access to technological resources, e.g., computers and telephones, to employees for use in completing their job duties. Any personal use of City-provided technology of any kind should be limited and must not interfere with any City business and/or operations, the work of any other employee, or the safety and security of City-owned technology

The City of Elk Grove respects the individual privacy of its employees; however, employee privacy does not extend to the employee's work-related conduct or to the use of City-provided equipment or supplies.

A. Management's Right to Access Information

The City retains the right and ability to enforce this policy and to monitor compliance with its term. Electronic communication systems have been installed by the City of Elk Grove to facilitate business communications. Although each employee has an individual password to access these systems, they belong to the City of Elk Grove and the contents of electronic communications are accessible at all times by the City of Elk Grove management. These systems may be subject to periodic unannounced inspections and shall be treated as other shared filing systems.

All electronic communications are the City of Elk Grove's records. The City of Elk Grove, without the employee's permission, may disclose the contents of electronic communications made using City-owned technology. Therefore, not all messages are confidential. Backup copies of electronic communications may be obtained and referenced for business and legal purposes.

B. Forbidden Content of Electronic Communications

Employees may not use City-provided electronic communication systems in any way that may be seen as insulting, disruptive, offensive by other persons, harmful to morale, discriminatory, harassing or retaliatory. Examples include sexually explicit messages, cartoons, or jokes; unwelcome propositions or love letters; ethnic or racial slurs; or any other message that can be construed as harassment or disparagement of others based on their race, color, ancestry (including language use), national origin, citizenship, possession of a driver's license issued under Section 12801.9 of the Vehicle Code, religious creed, religious belief or grooming (including dress or grooming practices), sex (which is defined to include gender (including sex stereotyping), and also including a person's gender identity (i.e. a person's identification as male, female, a gender different from the person's sex at birth, or transgender); gender expression (i.e. a person's gender-related appearance or behavior, whether or not stereotypically associated with the person's sex at birth); transgender (i.e. a person whose gender identity differs from the person's sex at birth); pregnancy or medical conditions related to pregnancy; childbirth or medical conditions related to childbirth; breastfeeding or medical conditions related to breastfeeding; and sexual orientation), marital or domestic partner status, age, medical condition (including, but not limited to cancer, AIDS and HIV), physical or mental disability (the term disabled or disability shall be construed to apply to those individuals covered by Title 2 California Administrative Code, Section 7293.6 (c) et seq. and 42 U.S. Code Section 12102 and the regulations promulgated pursuant to that section), genetic information or characteristics, status as a victim of domestic violence, sexual assault or stalking, military or veteran status, or any other legally protected category, as required by applicable federal and state laws.

C. Password and Encryption Key Security and Integrity

Employees are prohibited from the unauthorized use of the passwords and encryption keys of other employees.

28.2 Internet

The City of Elk Grove provides Internet access to eligible employees to accomplish the work of the organization and to improve customer service to our community. Staff must use the Internet in a responsible manner to achieve the City of Elk Grove's goals.

The City of Elk Grove supports and encourages the exploration and use of resources that increase employee productivity. The Internet is such a resource. The City requires Internet users to demonstrate professional conduct and adhere to Internet protocols and guidelines. The City of Elk Grove employees must use good judgment in the use of the Internet and take personal responsibility for access points reached. This document defines responsibilities of staff that access the Internet through the City of Elk Grove accounts and resources.

Individual employees are responsible for their conduct as Internet users; the City of Elk Grove shall assume no liability or responsibility for, or defend an employee against, charges or claims resulting from any action that is found to be in violation of any part of this policy or the law.

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The City of Elk Grove respects the individual privacy of its employees. However, employee privacy does not extend to the employee's work-related conduct or to the use of the City of Elk Grove provided equipment or supplies. The City of Elk Grove advises employees that no legitimate expectation of privacy can be asserted in their use of the Internet. The City of Elk Grove reserves the right to review employee's computer files and/or monitor their Internet usage at any time.

A. Acceptable Use

- Use the City of Elk Grove Internet access to accomplish job responsibilities, which may include gathering information about work-related problems, communicating with other agencies and vendors on job related problems or issues, and performing job-related research. Any purchases conducted over the Internet must comply with current purchasing guidelines;
- Share job-related information, discoveries and questions with co-workers;
- Use the Internet to learn its uses, practicing the various functions involved and finding innovative ways to use networked resources to improve the delivery of the City of Elk Grove services and streamline internal operations;
- Use of the Internet to gather information to maintain currency in a field of knowledge, to participate in professional associations and to communicate with colleagues in other organizations on job-related matters pertaining to the employee's job description or assigned tasks.
- Incidental and occasional personal use of the Internet may occur when such use does not generate a cost for the City and where expressly permitted to do so by the Department Head.

B. Prohibited Use (Exceptions may be made by Department Heads when necessary *to accomplish work-related duties.*)

Employees are forbidden to misuse any Internet access privileges in ways that may include, but are not limited to:

- Unauthorized use of copyrighted material;
- Violating security procedures;
- The display of any kind of sexually explicit image or document on any of the City of Elk Grove systems, which is a violation of our policy on sexual harassment. In addition, sexually explicit material may not be archived, stored, distributed, edited or recorded using the City of Elk Grove network or computing resources;
- Threatening or obscene material is prohibited;
- Using the City of Elk Grove Internet access or equipment to benefit personal or financial interests;
- Using the Internet for unlawful activities or for activities that are malicious or have the effect of harassing other users;
- Distribution of material protected by trade secret;
- Attempting to gain access to computers or networks to which they do not have legitimate access, or violating the acceptable use policies of any network to which they connect;

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- Improperly accessing, reading, copying, misappropriating, altering, misusing, or destroying the information/files of other users;
- Misrepresenting the City of Elk Grove programs or policies in their communications over the Internet;
- Sharing passwords with others, or allowing non-employees to have access to “staff-only” functions, resources or equipment;
- Installing or operating software that compromises computer security or introduces viruses into the City of Elk Grove systems;
- Creating a server-based application that updates remote clients or shares information utilizing Internet based protocols without explicit consent of IT Services.
- Creating a public display of City of Elk Grove information on the internet, such as a web page/site, or social media account without prior City Manager approval.
- Using the company’s Internet facilities to deliberately propagate any virus, worm, Trojan horse, or trap-door program code.

C. Security

- If an employee identifies a security problem, notify the IT department immediately;
- Do not reveal individual passwords or allow another person to use any personal account (the employee may be held responsible for all Internet activity associated with private passwords);
- Do not use another individual’s account;
- All PCs having Internet access must have virus shield software loaded and enabled;
- The City of Elk Grove may use software and data to identify inappropriate or sexually explicit Internet sites. Any employee connected accidentally to a site that contains sexually explicit or offensive material, must disconnect from that site immediately.

D. Vandalism/Harassment

Vandalism and/or harassment are not allowed. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the Internet or other networks. This includes, but is not limited to, creating and/or uploading computer viruses.

Harassment is defined as the persistent annoyance of another user or the interference of another user’s work. This includes, but is not limited to, the sending of any unwanted or offensive communication.

28.3 Telephones

The use of City of Elk Grove telephones, or personal cellular phones, for personal calls should be kept to a minimum, and should be made during lunch hours or authorized breaks. If it is necessary to make or receive a call during working hours, such calls shall be as brief as possible. If personal long-distance calls are inadvertently charged to the City of Elk Grove, the employee will be given the opportunity to reimburse the City of Elk Grove.

28.4 Policy Violation

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If a City of Elk Grove employee violates any of the acceptable use provisions of this policy, his/her account may be terminated, and future access may be denied. Some violations may also constitute a criminal offense and may result in legal action. Any user violating these provisions, or applicable state or federal laws, is subject to loss of access privileges and other City of Elk Grove disciplinary action up to and including termination.

28.5 Inspections

The City of Elk Grove reserves the right to inspect any City property at any time without prior notice, subject to any legal requirements that may exist.

29. EMPLOYMENT OF RELATIVES

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

29.1 Definitions

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), child of domestic partner, sibling, or grandparent.

Personal Relationship - Includes marriage, cohabitation, dating, or any other intimate relationship beyond mere friendship.

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

Conflict of Interest - Any actual, perceived, or potential conflict of interest in which it reasonably appears that a department employee's action, inaction, or decisions are or may be influenced by the employee's personal or business relationship.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

29.2 Restricted Duties and Assignments

While the City will not prohibit personal or business relationships between employees, the following reasonable restrictions shall apply:

- A. Employees are prohibited from directly supervising, occupying a position in the line of supervision, or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
 1. If circumstances require that such a supervisor/subordinate relationship exists temporarily, the supervisor shall make every reasonable effort to defer matters involving the involved employee to an uninvolved supervisor.

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2. When personnel and circumstances permit, the City will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The City, however, reserves the right to transfer or reassign any employee to another position within the same classification as it may deem necessary in order to avoid conflicts with any provision of this policy.
- B. Employees are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative, or with whom they are involved in a personal or business relationship.

29.3 Employees Responsibility

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, employees shall promptly notify his/her uninformed, next highest-level supervisor.

Whenever any employee is placed in circumstances which would require the employee to take enforcement action or provide other official information or services to any relative or other individual(s) with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninformed, immediate supervisor.

29.4 Supervisors Responsibility

Upon being notified of or becoming aware of any circumstance(s) which could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Human Resources Department of such actual or potential violations.

30. INDEPENDENT CONTRACTORS

The determination of whether an individual qualifies as an independent contractor depends upon whether the supervisor has the right to control and direct the worker, not only as to the result to be accomplished, but also as to the details and means by which that result is accomplished. Failure to properly classify independent contractors can result in a violation of certain tax laws. Department Heads have the authority to hire contractors but must ensure that the Human Resource Department is informed of the hire.

The following guidelines help determine whether or not an individual meets the government definition of an independent contractor or consultant. If a person does not meet these requirements, other staffing alternatives should be utilized. For further clarification, contact the Human Resources Department.

A person may be considered to be an independent contractor or consultant if he/she:

- Has business cards or stationery identifying his/her business;
- Has an actual office away from the City of Elk Grove;
- Needs no training or supervision to perform the assignment;
- Is being paid on a per-job basis;

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- Is a professional with a specialized degree/license;
- Can “come and go” from the City of Elk Grove at his/her will;
- Pays for his/her own incidental expenses;
- Cannot be terminated “at-will” but is on a contractual relationship with the City of Elk Grove;
- Has other clients;
- Could be sued by the City of Elk Grove for breach of contract if he/she were to leave the job without completion;
- Brings his/her own tools to the job;
- Does not receive such employee-related items as handbooks, work rules, company publications, employee benefits or insurance, etc.; or
- Performs duties and conditions consistent with a signed City of Elk Grove Consulting Agreement.

31. TRANSFER REQUESTS

A Request for Transfer from an employee, who has maintained successful performance and attitude, and who meets the qualifications of the position, may be approved subject to an available position. Request for Transfer may be denied if the employee has completed an extensive training in the last six (6) months.

Upon recommendation by the Department Head and approval of the Human Resources Department and the City Manager, an employee may be transferred at any time from one position to another position in a comparable classification.

For transfer purposes, a comparable classification is one with the same or similar maximum salary, involves the performance of similar duties and/or requires substantially the same basic qualifications. Transfers shall not be used to effectuate a promotion, demotion, advancement or reduction.

33. SUBSTANCE ABUSE

The City of Elk Grove has the responsibility to its employees and the public to ensure safe working conditions for its employees and a productive work force unimpaired by chemical substance abuse. The City of Elk Grove also has a responsibility, pursuant to the Drug Free Workplace Act of 1988, to create a drug-free workplace. To satisfy these responsibilities, the City of Elk Grove is to create and maintain a work environment free from the effects of illegal drugs, illegally or inappropriately used drugs, alcohol, or other performance-impairing substances.

The misuse of alcohol and other drugs impairs on-the-job employee performance and judgment, is detrimental to employee health, and jeopardizes employee safety, as well as the safety of the public. Accordingly, the City requires all employees to report to work fit to perform their jobs and prohibits the use or possession of alcohol or illegal drugs.

The City of Elk Grove is committed to maintaining a safe and healthy workplace for all employees and to assisting those employees who self-identify that they have a problem with drugs or alcohol.

33.1 Prohibited Activity

No employee may use, possess, transfer, distribute, manufacture, or sell alcohol or any illegal drug while on City property, while on duty, while on controlled standby (See section 9.11), or while operating a vehicle or potentially dangerous equipment that is owned or leased by the City. In addition, no employee may report for work, or go or remain on duty or on on-call status, while under the influence of or impaired by alcohol, illegal drugs, or misused prescription or over-the-counter drugs.

33.2 Use of Prescription/Over-the-Counter Drugs

Legally prescribed medications or over-the-counter drugs are permitted only to the extent that the use of such medication does not adversely affect the employee's work ability, job performance, or the safety of the employee or others. It is the employee's responsibility to determine, by consulting a physician if necessary, whether a prescribed drug can impair job performance. An employee whose impairment may affect job performance must contact his/her supervisor and attempt to find an appropriate alternative assignment. If none is available, the employee will take leave or other steps consistent with the advice of a physician. If an employee reports to work under the influence of prescription medication in a manner inconsistent with this policy, the employee may be disciplined up to and including termination.

33.3 Reports of Drug or Alcohol Conviction

Each employee must report facts and circumstances of a conviction for violating any criminal drug or drunken driving statute to his/her Department Head no later than five (5) days after the conviction. Revocation of a driver's license must be reported immediately. A criminal conviction for violation of a drug statute may lead to disciplinary action if such conviction is directly related to the employee's ability to perform his/her assigned duties.

33.4 Employee Assistance Program ("EAP")

Employees who suspect they may have a substance abuse problem should seek confidential evaluation and treatment. Employees should obtain counseling and rehabilitation from a substance abuse professional or other treatment provider. The City of Elk Grove medical benefit may pay some or all of the cost of the treatment for those employees covered by the benefit.

Any eligible employee who voluntarily requests confidential assistance in dealing with a personal drug and/or alcohol problem may do so through a private treatment program or the City of Elk Grove Employee Assistance Program ("EAP") for drug and alcohol problems. A full description of the services available through the EAP can be obtained from the City's Human Resources Manager. City Council Members and their families are eligible for this benefit. An employee who is under treatment for substance abuse in a recognized rehabilitation program shall be entitled to reasonable accommodation so long as the employee is conforming to the requirements of the program and is abstaining from the use of controlled substances and/or alcohol.

If an employee seeks drug treatment voluntarily and not under adverse employment circumstances, accrued Annual Leave benefits (if eligible) may be used while attending rehabilitation. After such accommodation, the discontinuation of any involvement with alcohol or drugs while on duty or on-call is required for continued employment.

33.5 Substance Abuse Evaluation Upon Reasonable Suspicion

A supervisor/manager may require an employee, who they believe with reasonable suspicion to be under the influence of illegal drugs or alcohol while at work, to submit to an evaluation by substance abuse counselors or to testing for the presence of drugs or alcohol. Such testing or evaluation shall be done only under the condition and following the procedures outlined in this policy.

The City of Elk Grove may require an employee to participate in follow-up care as part of a comprehensive alcohol and drug treatment based upon medical advice.

a) Drug Testing Upon Reasonable Suspicion

When a supervisor has a reasonable suspicion that an employee is under the influence of alcohol or drugs, the employee in question will be asked to submit to testing which may include saliva testing, breathalyzer, urinalysis, hair analysis or a combination of these testing methods, to determine involvement with alcohol or drugs. A positive result on a screening test must be confirmed.

b) Consequence of Refusal to Submit to Testing

An employee who refuses to submit to discovery testing for alcohol and/or drugs when reasonable suspicion exists will be subject to disciplinary action up to and including termination. Employee assertion that lack of reasonable suspicion exists is not grounds to refuse to submit to a test.

c) Consequence of a Positive Test

An employee who is found to be under the influence of or impaired by alcohol or illegal drugs as a result of a test will be subject to disciplinary action up to and including termination.

d) Discipline Related to Abuse

If an evaluation is conducted which results in a recommendation for treatment, employment may (but is not required to) continue if the recommended treatment is immediately begun and successfully completed. However, disciplinary action will also be taken for any job performance or behavior, which would otherwise be cause for disciplinary action. Failure by the employee to enroll in the recommended treatment program, or to consistently comply with the program requirements, to complete it successfully, or to complete any continuing care program may result in immediate termination from employment.

When an employee is required to undergo treatment under the policy, the following may be required of the employee as a condition of continued employment:

- The City of Elk Grove's verification of the employee's continuing participation in the treatment program; and/or
- Submission to random blood and/or urine screening for alcohol and/or drugs for a specific period of time not to exceed thirty-six (36) months from completion of all phases of a prescribed treatment program.

33.6 Confidentiality

All medical and rehabilitation records are confidential and may not be disclosed without the prior written consent of the patient, authorizing court order, or otherwise as permitted by state and federal law. Positive test results may only be disclosed to the employee, the appropriate medical and substance abuse treatment providers, the City of Elk Grove's attorney, the City of Elk Grove's representative responding to an alleged violation of this policy, and a court of law or administrative tribunal in any adverse personnel action. Test results and laboratory results shall not be placed in the employee's general personnel file. Information of this nature will be maintained in a separate confidential medical folder.

34. EMPLOYEE RECORDS

The Human Resources Department is responsible for creating and maintaining the official record/file of each employee. The contents of all personnel records of the City of Elk Grove are confidential and shall be disclosed only in accordance with the procedures outlined in this policy.

34.1 File Contents

The official personnel file includes, but is not limited to:

- Routine personal information related to employment. Examples include employment application, resume, Personnel Change Notifications ("PCN"), W-4, orientation checklists, workplace safety record, hiring test results and executed offer letters;
- Court, military or education information and certifications;
- The originals of the following documentation: written discipline, issue resolution filings, work history entries, commendations and performance appraisals; and
- Certifications, acknowledgments.

34.2 Employee Access

Employees may review their own personnel file at reasonable times and intervals and only in the presence of a representative from the Human Resources Department. No material may be removed from the file. The Human Resources representative will make copies, if requested. Employee requests for adding material to the file must first be approved by the Human Resources Department. An employee does not have access to information provided to the City of Elk Grove confidentially by a third party. This information includes, but is not limited to:

- Reference checks;
- Security clearance; and
- Information not generally accessible to the employee because it would invade the privacy of others, or because it involves an ongoing investigation concerning the employee.

34.3 Management Access to Personnel Records

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The contents of a present or past employee's personnel file shall be available for review only for City of Elk Grove business reasons, to:

- 1) The employee's past, present or prospective immediate supervisor (when that supervisor is still currently a supervisory employee of the City of Elk Grove); and
- 2) Any management personnel with a need to know, including the City Attorney.

34.4 City Council Access to Personnel Records

The contents of an employee's personnel file, other than those pertaining to the City Manager and City Attorney shall be made available to the City Council consistent with employee rights of privacy and only upon an affirmative public vote of the majority of the City Council. The files will not leave the premises of the City of Elk Grove's Human Resources Department. The contents of the City Manager's and/or City Attorney's personnel files shall be available to any member of the City Council upon request but may not leave the premises of the City of Elk Grove's Human Resources Department. No individual Council member may remove or place any material in the City Manager's and/or City Attorney's personnel file without an affirmative vote of the majority of the Council.

34.5 External Access

The Human Resources Department will allow access to an employee's personnel file by persons outside the City of Elk Grove when served by a valid subpoena, search warrant or other order having the force of the law, or with written consent of the employee. The employee will be notified of the request if properly served. Prior to release of any information, the City Attorney must be consulted.

34.6 Reference Checking

Release of employee's personal information is solely the responsibility of the Human Resources Department. All inquiries regarding verification of employment and/or reference checking must be routed to the Human Resources Department. When an employment or other type of claim or subpoena is filed, necessary information will be released as specified.

All personnel records contain information that may be sensitive or confidential. Any employee releasing such information without authorization will be subject to immediate disciplinary action up to and including termination.

34.7 Medical Records

Medical records are maintained separately and are not part of the employee's personnel file.

35. IMMIGRATION REFORM AND CONTROL ACT ("IRCA")

All offers of employment are contingent on verification of the candidate's right to work in the United States. New employees will be asked to provide original documents verifying his/her right to work and, as required by federal law, to sign a Federal Form I-9 Employment Eligibility Form. If at any time an employee cannot verify his/her right to work in the United States, the City of Elk Grove may be obligated to terminate that employment.

The City of Elk Grove will fully comply with IRCA provisions, which govern the following:

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- a) Recruitment and hiring - The City of Elk Grove will not knowingly hire an unauthorized alien. If the City of Elk Grove becomes aware of the hiring of an unauthorized alien on or after November 6, 1986, it may terminate that person in compliance with IRCA;
- b) Employment verification - All City of Elk Grove employees must provide original document(s) which establishes his/her identity and authorization to work in the U.S.;
- c) Record keeping - Records will be maintained by the City of Elk Grove throughout employment and for at least one (1) year after termination; and
- d) Non-discrimination - IRCA prohibits discrimination in recruitment, hiring or discharge. A preference clause is provided for U.S. citizens. The City of Elk Grove may give preference to an U.S. citizen over a person who is an alien, but only if the two (2) individuals are equally qualified.

36. SOLICITATION OF GIFTS

No employee of the City of Elk Grove shall solicit or accept gifts, money, special considerations or non-monetary equivalents of greater than nominal value from members of the public, an organization, business, agency or club. These gifts should be respectfully declined and reported to the appropriate manager.

37. ABSENTEEISM/TARDINESS

Punctuality and attendance are expected of all employees. Frequent or unexplained absences or lateness in reporting to work cause inconvenience to fellow workers and customers and may result in the inefficient operation of the City of Elk Grove.

Excessive absenteeism may be treated as a performance issue. Counseling and/or progressive discipline may be used to assist the employee with meeting the City's attendance standards. Continued excessive absenteeism could result in discipline up to and including termination.

37.1 Absenteeism

The City may require a statement from a treating physician or other healthcare provider in cases of excessive absenteeism, including but not limited to recurring patterns of absenteeism such as the day before or day after holidays, paydays, or other specific days of the week, (e.g., the day before or after weekends). In addition, the City may require a statement from a treating physician or other healthcare provider of absenteeism of higher than normal usage or cases of suspected abuse of the City's Leave Policy. Should any of the above occur, the supervisor may require that an employee bring a statement from a treating physician or other healthcare provider for each and every unscheduled absence. The statement from a treating physician or other healthcare provider is subject to verification. Failing to provide the requested documentation may result in discipline.

37.2 Employee's Responsibility

It is the employee's responsibility to follow his/her department's procedure for notification if the employee is going to be absent or late to work. This notification must be given as far in advance

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as possible so a replacement can be scheduled, and in no event less than one (1) hour prior to the start of a scheduled shift.

Employees who are absent due to illness may be required to provide a statement from a medical provider, documenting the illness and releasing them to return to work. Employees are required to notify their supervisor each day they will be absent, except in cases where a Leave of Absence, vacation, or other absence has been approved in advance.

If an employee fails to follow the department's procedure for timely notification of absence or lateness, the absence is considered a no call/no show.

37.3 Supervisor's Responsibility

Supervisors shall establish and communicate a reporting system, so each employee knows who to contact and what telephone number to call when an absence or lateness is necessary or anticipated.

37.4 Job Abandonment

A. No Call/No Show

One (1) day "no call/no show" (defined as not appearing for a scheduled workday and not following the department's call-in procedure) may result in discipline, including termination, with or without prior progressive discipline. The employee's work record and the circumstances surrounding the no call/no show may be taken into consideration and discussed with the Department Head before any action is taken.

B. Walking Off the Job

An employee who leaves work without obtaining supervisory approval may be considered to have voluntarily abandoned his/her job and may be subject to discipline, up to and including termination.

38. CODE OF CONDUCT

A. This code of conduct standards is established to govern the conduct of the City of Elk Grove's employees:

- An official or employee shall not seek or accept any gift, service, favor, employment, engagement, or economic opportunity, which would tend to influence a reasonable person in his/her position to depart from the faithful and impartial discharge of his/her public duties.
- An employee shall not use his/her position with the City of Elk Grove to secure or grant unwarranted privilege, preferences, exemptions, or advantages for himself/herself, any member of his/her household, any business entity in which she/he has a significant pecuniary interest, or any other person.
- An employee shall not participate as an agent of the City in the negotiation or execution of a contract between the City and any private business in which he/she has a significant pecuniary interest.

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- An employee shall not accept any salary, retainer, augmentation, expense, allowance, or other compensation from any private source for the performance of his/her duties as a City employee.
 - If an employee acquires, through his/her public duties or relationships, any information that by law or practice is not at the time available to people generally, he/she shall not use the information to further the pecuniary interests of himself/herself or any other person or business entity.
 - An employee shall not suppress any governmental report or other document because it might tend to affect his/her pecuniary interests.
 - An official or employee shall not use City time, property (including monies or funds), equipment, or other facility to benefit his/her personal or financial interest.
 - An employee shall not attempt to benefit his/her personal or financial interest(s) through the influence of a subordinate.
 - An employee shall not seek other employment or contracts through the use of his/her official position.
 - Employees shall maintain professional conduct at all times with co-workers, the public and other agencies, and avoid any conduct that may be detrimental to the City of Elk Grove.
- B. An employee shall not in any manner, directly or indirectly, receive any commission, personal profit, or compensation of any kind resulting from any contract or other transaction in which the City of Elk Grove is in any way interested or affected except:
- A member of the City Council or any commission, or similar body who is engaged in the profession, occupation, or business regulated by the City Council, commission, or body may, in the ordinary course of his/her business, bid on or enter into a contract with any governmental agency, provided that he/she has not taken part in developing the contract plans or specifications and he/she will not be personally involved in opening, considering or accepting offers.
 - A public employee, other than an employee described in a. (above), may bid on or enter into a contract with a governmental agency if the contracting process is controlled by rules of open competitive bidding, the sources of supply are limited, he/she has not taken part in developing the contract plans or specifications, and he/she will not be personally involved in opening, considering, or accepting offers.

Violations of the City of Elk Grove's Code of Ethics may result in disciplinary action, including termination.

39. PERFORMANCE MANAGEMENT

The City of Elk Grove may use a performance management process designed to be a formal, objective, consistent, and ongoing procedure to gauge each employee's on-the-job effectiveness by communicating to the employee, the objectives that must be achieved, and the standards of performance expected. Performance management is an ongoing process that focuses on continued future improvement.

The performance management process exists to provide timely and periodic two-way communication between employees and supervisors regarding job performance. This process is designed to:

- Clarify the City of Elk Grove's goals and link them to performance expectations;
- Motivate employees through feedback;
- Maximize employee potential;
- Identify and resolve existing performance problems;
- Document employee job behavior;
- Help employees manage their performance;
- Identify plans for continued and future improvement;
- Provide ongoing opportunities for supervisors to coach and encourage personal development; and
- Assist in planning by identifying high-performing or under-performing employees and identifying training and development needs.

39.1 Ongoing Performance Communication

It is the goal of the City of Elk Grove to manage and improve employee performance through ongoing communication between an employee and his/her supervisor regarding performance expectations and employee accomplishments. Periodic formal performance evaluations cannot take the place of ongoing communication.

39.2 Written Record

A written record of any formal evaluation process will be made by the supervisor on a Performance Appraisal form. All information in the written record should be consistent with the information communicated verbally during the performance evaluation sessions. The completed form, along with any written comments submitted by the employee, shall be placed in the employee's personnel file. The Performance Appraisal form will become a permanent record of the evaluation process.

The employee and the supervisor may make additional working notes of preparation activities and of any information that is exchanged during the performance appraisal meeting.

39.3 Employee Involvement

Employee participation in the performance appraisal process is encouraged. Opportunities for participation may include the following:

- Discussions with the supervisor regarding performance;

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- An opportunity to have the employee's written comments on the supervisor's findings made part of any permanent record of the performance evaluation period;
- Discussions with the supervisor regarding establishing performance expectations or goals for the next evaluation period; or
- If requested by the employee, a discussion with the next level supervisor to review any disagreements over performance evaluation.

39.4 Procedure

The following actions are to be taken as part of the performance evaluation process:

- Establish and communicate standards for the employee to meet;
- Review any notes taken on employee performance since the last formal evaluation;
- Record progress on previously set goals;
- Completion of a Performance Appraisal form covering the employee's performance since the last formal evaluation;
- Develop a preliminary list of goals for the next evaluation period;
- Meet with the employee and provide a candid and complete description of how the employee performed discussing both the "whats" and "hows" of the employee's performance;
- Jointly establish new performance goals and standards for the next performance evaluation cycle;
- Obtain appropriate signatures and employee comments;
- Review and discuss any areas of disagreement; and
- Monitor performance, provide feedback, as well as coaching and counseling, throughout the evaluation cycle.

39.5 Frequency of Formal Performance Evaluations

Generally, formal performance appraisals will be conducted at least annually for all employees. In addition, supervisors shall conduct formal evaluations at the following times:

- Six (6) months after an employee is newly hired.
- Eleven (11) months after an employee is newly hired.
- Six (6) months following a promotion;
- When there is a significant change (either improvement or deterioration) in performance;
- Within three (3) months following a finding that the employee's performance needs substantial improvement (frequent, ongoing meetings with the supervisor are encouraged); or
- At any other, more frequent interval that the supervisor deems appropriate.

39.6 Responsibility for Performance Appraisal

Any person supervising another is responsible for completing a performance evaluation.

40. TRAINING AND CONTINUING EDUCATION

40.1 Seminar Attendance

The City of Elk Grove may provide financial assistance to attend a seminar, offered by an external source. The employee must obtain authorization from his/her Department Head prior to attending the seminar. The seminar should offer necessary training that will improve the employee's performance in his/her current position and training needed for the employee's developmental needs.

40.2 Professional Development

Employees may use professional development funds to participate in conferences, supplement classes, training and similar activities. The amount available to those eligible will be determined by the Department Head and authorized in the department budget.

40.3 Tuition Assistance

Full-time employees with a minimum of six (6) months of continuous employment with the City who are earning a certification, college or university degree that is city-related, may request to be reimbursed for a portion of the cost of tuition and books. Schedule of reimbursement is as follows:

- A. Eighty percent (80%) of the cost of tuition and books, up to a maximum of \$2,000 per calendar year for employees attending an authorized certification program at an accredited College or University.

- B. Eighty percent (80%) of the cost of tuition and books, up to a maximum of \$3,500 per calendar year for employees working towards a degree at an accredited College or University.

An eligible employee interested in receiving reimbursement must obtain written approval from the Department Head and the Human Resources Department prior to participating in classes for which the employee desires to be reimbursed. Reimbursement is only made at the conclusion of the classes and where the employee has received a certification or achieved a grade of "C" or better. Employees must not be receiving any form of payment that covers the same percentage of the classes resulting in more than 100% of the tuition.

Reimbursement requests at the completion of the course must be turned in to the Human Resources Department within ninety (90) days of course completion.

Any employee voluntarily terminating their employment within twenty-four (24) months of receiving reimbursement under this section will be responsible for repaying the City of Elk Grove the full amount of the reimbursement received. An employee involuntarily separated (termination, lay-off or industrial disability retirement) will not be required to reimburse the City.

Part-time employees working thirty (30) or more hours a week shall be eligible to receive reimbursement pursuant to the above policy on a pro-rata basis. Employees in a Job Share agreement are eligible to receive one half (1/2) the reimbursement consistent with section 11.4. Employees working less than thirty (30) hours a week will not qualify for this benefit.

40.4 Non-Qualifying Classes

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The City of Elk Grove will not reimburse for any class considered as a sport, game, or hobby-related (e.g., photography, gardening, etc.). However, if a course can be documented as part of a degree program (e.g., physical education requirement), the class may be eligible for reimbursement.

40.5 Audit Classes

Audit classes, unaccredited correspondence schools, entrance exam (SAT, ACT, GMAT, LSAT, GRE, etc.) and exam preparatory courses are not eligible for reimbursement unless approved by the City Manager.

40.6 Taxes

Employees may be taxed on reimbursement as required by applicable federal and state law.

41. CATASTROPHIC LEAVE POLICY

See “Catastrophic Leave Policy” under the City Manager’s Administrative Policies.

42. POLICE

The following policies are applicable only to employees of the City of Elk Grove Police Department. Because of the unique nature of the work performed by employees of the police department, certain specially tailored personnel policies applicable only to those employees are necessary. If employment related issues regarding Elk Grove Police Department personnel are not otherwise addressed in this section, the City of Elk Grove’s general personnel policies are controlling on Elk Grove Police Department personnel. To the extent that there is any conflict between policies in this section and policies covered in the other sections of these Rules and Regulations applicable to all City employees, the more specific policies in this section shall control.

42.1 Definitions

Exclusive Procedure - taking disciplinary action against EGPD sworn personnel and for appealing those actions as required by the Public Safety Officers’ Procedural Bill of Rights Act.

Peace Officer Personnel Records - as defined at Penal Code section 832.8 shall include any file maintained under an individual officer’s name relating to:

- Personal data including educational and employment history, marital status, family members, and similar information.
- Medical history
- Benefits information
- Employment performance information
- Personnel Complaint information
- Any other information that would result in an unwarranted invasion of personal privacy

Personnel Complaints - consist of any citizen allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of EGPD policy, federal, state, or local law. Personnel complaints shall be classified in one of the following categories:

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- **Informal:** A matter which may be addressed by a department supervisor of greater rank than the employee who is the subject of the complaint. Informal complaints need not be documented on a personnel complaint form and the responsible supervisor shall have the discretion to handle the complaint in a manner consistent with this policy.
- **Formal:** A matter requiring investigation either by a department supervisor of greater rank than the employee who is the subject of the complaint or by EGPD Internal Affairs Unit.

Workday - a regularly recurring twenty-four (24) hour period beginning at midnight and ending on midnight of the following day.

Workweek - a regularly recurring seven (7) consecutive day period, beginning at midnight on Sunday and ending at midnight on the following Sunday. EGPD's payroll is on a semi-monthly basis. Thus, two (2) workweeks generally will be included in each bi-weekly pay period.

Work shift - the time an employee is regularly assigned to perform duties. EGPD sworn personnel generally will be scheduled for four (4) ten (10) hour work shifts during a workweek.

42.2 Employment Status – Public Safety Officers' Procedural Bill of Rights (Sworn Personnel and Dispatchers)

A sworn public safety officer's employment with the City is subject to the procedural requirements of the Public Safety Officers' Procedural Bill of Rights, California Government Code section 3300, et seq.

Probationary Period

Police Officer and Dispatch personnel should refer to the current memorandum of understanding regarding probation.

Sworn Employees promoted to a higher rank shall have a probationary period of not less than twelve (12) months in the new higher-ranking position. All other positions (non-sworn) shall be subject to a probationary period for the first twelve (12) months of employment. During this probationary period, employees may be terminated with or without cause and without a *Skelly* meeting.

Objective of Probationary Period

The probationary period shall be regarded as a part of the examination process. During this period, the employee's work performance shall be closely observed and evaluated to determine the capability of the new employee in his/her position. This period will also be a time to provide an effective orientation for the employee, educating him/her in prevailing management practices, policies and procedures, and training him/her in the tasks associated with the assignment.

Completion of Probationary Period

The Chief of Police or his/her designee shall notify the appropriate supervisor and the employee concerned at least two (2) weeks prior to the expiration of any probationary period. If the performance of the employee has been satisfactory to the supervisor, he/she shall file with the Chief of Police or his/her designee a statement in writing that such employee has successfully

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completed the period. If the performance of the employee has not been satisfactory to the supervisor, he/she shall file with the Chief of Police or his/her designee a statement in writing that such employee has not successfully completed the period at which time appropriate job action may be taken by the Chief of Police or his/her designee in accordance with the Public Safety Officers' Procedural Bill of Rights.

Extension of Probationary Period

On occasion it may be necessary to extend an employee's probationary period to ensure s/he is meeting the standards for the position. Probationary periods may be extended as follows:

- When marginal performance exists or an employee demonstrates a need for additional evaluation, upon recommendation from a supervisor and approval by the Chief of Police, the probationary period may be extended for a period not to exceed nine (9) months.
- In circumstances involving periods of extended absence, a supervisor, with the approval of the Chief of Police, may extend an employee's probationary period by either, a) the period(s) of the absence(s), or b) any period of time that would guarantee a minimum of twelve (12) months of uninterrupted service.

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42.3 Hiring Process (Sworn Personnel)

The City of Elk Grove recognizes that the selection process is a key element in the delivery of exceptional public safety services to the community. The selection process is vital to the operational effectiveness of the Department. The City of Elk Grove is committed to providing equal employment opportunities for all applicants and employees regardless of age (over 40), genetic information, marital status, medical condition, mental or physical disability, national origin and ancestry, pregnancy, race and color, religion, religious creed, sex, including gender identity or gender expression, transgender, sexual orientation, military and veteran status.

A. Application Process

The City accepts applications and résumés through the City's Human Resources offices on an as needed basis. The Human Resources Department will forward a list of qualified candidates to the Chief of Police or his/her designee.

Qualified candidates will be interviewed by the Chief of Police or his/her designee. Candidates selected to continue in the hiring process are given a background packet to be completed by the applicant.

B. Background Investigation

Trained investigators conduct a background investigation of each candidate before further consideration.

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The background investigations are the responsibility of the Chief of Police who may delegate investigations to individual investigators. This service may be contracted through an outside agency background service.

The background investigation includes, but is not limited to, the following information:

- 1) Verification of the candidate's credentials, educational background, employment, residence, citizenship, and driver's license.
- 2) Review of any criminal or traffic records.
- 3) Interviews of previous employers, neighbors, and personal references.

C. Computer Voice Stress Analyzer Examination

Sworn applicants may undergo a pre-employment Computer Voice Stress Analysis ("CVSA") examination administered by a qualified CVSA examiner. The CVSA examiner will report the results of the test to the Chief of Police or his/her designee. These results are incorporated into the selection process to determine the candidate's suitability for employment. EGPD maintains the results on file in the employee's background file.

D. Polygraph Examination

Sworn applicants may undergo a pre-employment polygraph examination administered by a qualified polygraph examiner. The polygraph examiner will report the results of the test to the Chief of Police or his/her designee. These results are incorporated into the selection process to determine the candidate's suitability for employment. EGPD maintains the results on file in the employee's background file.

E. Conditional Offer of Employment

Candidates successfully passing the interview and background investigation phase may receive a conditional offer of employment subject to successful completion of medical, drug and alcohol testing

F. Psychological Fitness Examination

Sworn applicants are required to undergo an emotional stability and psychological fitness examination. These examinations are conducted by qualified professionals. The professionals performing these tests report the candidate's suitability in terms of acceptable or not acceptable to the Chief of Police or his/her designee. The Department maintains the results on file in the employee's confidential and secure background file. These records remain on file during employment for the same duration as the personnel file and access is limited to those authorized by the Chief of Police.

G. Pre-placement Physical Test/Urinalysis

At the City's expense, a licensed physician conducts a medical examination on each and every candidate for employment using valid, job-related, and non-discriminatory procedures. The test results are reported to the Chief or Police or his/her designee as qualified, qualified with restrictions, or not qualified. The testing process will include a urinalysis for drug screening purposes. The Department maintains the results on file in the employee's separate and confidential medical folder. These records remain on file during employment for the

same duration as the personnel file and access is limited to those authorized by the Chief of Police.

42.4 Job Related Disability

Whenever any sworn public safety officer is disabled, whether temporarily or permanently, by injury or illness arising out of and in the course of his or her duties, he or she shall be entitled, regardless of his or her period of service with EGPD, to a leave of absence while so disabled without loss of salary. Such payments shall be in lieu of temporary disability payments or maintenance allowance payments available as workers' compensation benefits. Payment of the employee's full salary shall continue for the entire period of the disability, but not to exceed one year, or until the date on which he or she is retired on permanent disability pension and is receiving disability pension payments or advanced disability pension payments.

Any disability leave of absence taken by a sworn public safety officer as a result of injury or illness arising out of and in the course of his or her duties, shall not be deemed to constitute leave pursuant to the Federal Family and Medical Leave Act, or California's Family Rights Act.