

CITY OF GALT

**PERSONNEL
MANUAL**

Adopted July 1998
Last Revised May 2015

CITY OF GALT

**PERSONNEL MANUAL
EMPLOYEE ACKNOWLEDGMENT**

I have received my copy of the City of Galt Personnel Manual. I understand that I am responsible for familiarizing myself with information in this manual and understand that it describes the general personnel policies of the City that govern my employment.

I understand the information, policies, and benefits described in this booklet are necessarily subject to change.

Date _____ , 20 _____

Signature _____

Print Name _____

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SECTION 1. CITY OF GALT ORGANIZATIONAL CULTURE

Take Pride in What We Do

Taking pride in what we do means to do everything to the best of our ability and implies an expectation of things done right the first time. Pride means that we set high expectations of ourselves and accept responsibility and ownership for everything we do. We achieve satisfaction in a job well done and in knowing that we have provided an important public service and recognize that every job matters.

Provide Excellent Customer Service

Providing excellent customer service means that we strive to provide services that exceed the expectations of both internal and external customers in a professional, helpful and courteous manner. We respectfully listen to others, relying on our training and experience to achieve a positive and satisfactory outcome, with an appropriate and timely follow-up.

Have a “Can Do” Attitude

Having a “can do” attitude means that we are confident in our ability to accomplish a task or solve a problem, no matter how great the challenge. We display a positive attitude and work hard to find a way to get the job done, efficiently and effectively. We look for creative ways to accomplish tasks and find solutions, while refusing to blame others, complain or make excuses. Our actions and attitude contribute in a positive and meaningful way to make our organization and community a better place.

Continuous Improvement

Continuous improvement means that we strive to create and maintain an environment conducive to new ideas, training, and education aimed at improving ourselves, the organization and the services we provide. As employees, we understand that everyone is responsible and plays an important role in bringing forward new ideas and offering solutions to improve the organization. We are continually looking for ways to improve efficiencies, take advantage of new technologies, streamline processes, enhance customer satisfaction and improve employee morale

SECTION 2. GENERAL PROVISIONS

2.1 Purpose

The City of Galt Personnel Manual is intended to provide employees with guidelines and policies to help the City achieve its mission of providing exceptional public services and facilities that are responsive to the needs of the community in an honest, efficient and fiscally responsible manner.

Every effort has been made to align this manual with the most current memorandums of understanding (MOUs) between the City and the recognized employee organization. If there is any conflict between this manual and any MOU, the provisions contained in the MOU shall take precedence. Nothing in this manual shall be deemed to supersede applicable state or federal law or administrative regulations related to personnel matters.

2.2 Employment Practices

2.2.1 Equal Opportunity Employment and Affirmative Action

The City is committed to a policy of equal application of rules and regulations in all employment practices. Equal opportunity and equal consideration will be given to all applicants and employees in personnel actions including: recruiting and hiring, selection for training, promotion, demotion, transfer, termination, recalls, discipline, and rates of pay or other items, privileges, and conditions of employment.

2.2.2 Harassment Free Environment

The City of Galt will comply with all applicable laws prohibiting harassment or discrimination because of an individual's protected classification. "Protected Classification" includes race, religion, color, gender (including pregnancy), national origin, citizenship status, ancestry, disability, medical condition, genetic characteristics, marital status, age, sexual orientation (including homosexuality, bisexuality, transsexuality or heterosexuality), physical disability, mental disability or on the basis of membership as set forth in the Uniformed Services Employment and Reemployment Rights Act (USERRA), or any other protected status which is prescribed by law.

Any violation of these equal opportunity policies must be reported immediately to the Human Resources Department. All complaints of this nature will be promptly and thoroughly investigated. Employees who file discrimination complaints shall be free of any reprisal or harassment by any City official. Employees who engage in discriminatory or harassing conduct are subject to disciplinary action including termination. (Please refer to the City of Galt Policy Against Harassment for more information.)

2.2.3 Respectful Workplace

It is the commitment of the City of Galt to ensure a work environment is free from negative, aggressive, and inappropriate behaviors, and that the environment is aimed at providing high quality services in an atmosphere of respect, collaboration, openness, safety and equality. All employees have the right to be treated with dignity and respect.

All complaints of negative, inappropriate, or aggressive workplace behaviors will be taken seriously and followed through to resolution, and employees who file complaints will not be retaliated against for reporting others for their inappropriate behavior.

These types of behaviors are well recognized as having damaging effects on their recipients, the observers of the behavior, and the organization as a whole and are therefore not tolerated.

Department Heads and Supervisors have a responsibility to ensure that appropriate behaviors are being exhibited at all times and that complaints to the contrary are addressed promptly.

2.2.4 Violence Free Workplace

The City of Galt is committed to preventing workplace violence and maintaining a safe work environment. Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities should be reported as soon as possible to a supervisor, Department Head, or the Human Resources Department. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

Employees should promptly inform the Human Resources Department of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns with regard to intimate partner violence. The City of Galt will not retaliate against employees making good-faith reports and is committed to supporting victims of intimate partner violence by providing referrals to the City's employee assistance program.

Anyone found to be responsible for threats of or actual violence will be subject to prompt disciplinary action up to and including termination.

2.2.5 Whistleblower Protection

Employees are encouraged to bring allegations of wrongdoing or intentional misconduct on the part of the City of Galt officers, employees, and independent contractors to the attention of their supervisor, Department Head or the Human Resources Department. Employees will be free from retaliation as a result of bringing forward such good faith allegations or participating in investigations of such allegations. No employee will be discharged, suspended, demoted or subjected to other adverse personnel action because he or she acted in good faith to bring

allegations of wrongdoing to the attention of the City pursuant to this policy. Retaliation based on opposition to unlawful discrimination in employment or promotion, or based upon participation in any proceeding of inquiry into allegations of such discrimination is expressly prohibited and should be reported to the Human Resources Department.

Employees who do not act in good faith and disclose information that he or she knows to be false or with intentional disregard for the truth, unlawfully disclose confidential information from records which are closed to public inspection pursuant to law, or unlawfully disclosed information that is confidential under any other provision of rules or law shall be subject to discipline including termination.

2.2.6 Americans with Disabilities Act

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

2.2.7 HIPAA

HIPAA stands for the Health Insurance Portability and Accountability Act of 1996. The City is not a covered entity as defined by HIPAA; however, but does maintain health care and related plans that are subject to HIPAA requirements. The City respects the privacy of legally protected health information, and understands the importance of keeping this information confidential and secure. The Human Resources Department has access to certain aspects of employees' health information and will use or transmit only the minimum amount of information needed to communicate benefits enrollment, eligibility, and termination data to third party administrators, claim processors or any other entity to which the City is required to respond. The Human Resources Department ensures that the vendors with whom we contract for health related benefit services have a policy and practices in place to fully comply with all HIPAA rules and regulations.

2.3 Citizenship

Employment is contingent upon providing verification of the legal right to work in the United States upon first day of hire.

2.4 Age Requirements

The minimum age requirement for full time employment by the City of Galt is eighteen (18) years of age. The City is governed by the proscriptions in the amendments to the Age Discrimination Employment Act of 1975 ("ADEA").

2.5 Dissemination of the Personnel Manual

Copies of this Personnel Manual shall be provided to all full time and part-time employees upon initial employment. Copies shall be available in the Human Resources Department, on the City's website and in the City Clerk's Office.

2.6 City Rights

The City of Galt retains all powers and authority to manage municipal services and the work force performing those services to the full extent authorized by law including but not limited to the following, which include, but are not limited to the exclusive rights:

- To determine the mission of its constituent departments, commissions and boards;
- To set standards of service; and to determine the procedures and standards of selection for employment;
- To direct its employees, including the setting of performance standards, dress and grooming standards, work schedules except as may be modified by an MOU;
- To maintain the efficiency of governmental operations;
- To determine the methods, means and personnel by which government operations are to be conducted, inclusive of the right to hire, promote, transfer and assign employees with the City consistent with applicable job classifications;
- To take all necessary actions to carry out its mission in emergencies; and
- To exercise complete control and discretion in the technology of performing its work.

City rights also include the right to determine the procedures and standards of selection for promotion; to relieve employees from duty because of lack of work or other legitimate reasons; to take disciplinary action; and to determine the control of job classifications, provided, however, that the exercise by the City of the rights in this section does not preclude employees or their recognized employee organizations from filing grievances regarding the practical consequences that decisions on such matter may have on wages, hours or terms and conditions of employment.

It is not the intent of this provision to limit bargaining rights of recognized employee organizations as embodied in applicable law.

2.7 Administration of Personnel Matters

The City Manager is responsible to the City Council, pursuant to the Galt Municipal Code Section 2.16.070.D, to appoint, and when necessary for the good of the City, to remove any employee of the City, subject to this Personnel Manual, except the City Attorney, Clerk Administrator, and elected officials.

2.8 Administration and Interpretation of Rules

The City Manager, subject to the direction of the City Council, is responsible for the administration of the rules set forth in this Personnel Manual.

2.9 Delegability of Powers by the City Manager

The City Manager, in his/her discretion, may delegate any of his/her authority set forth in these rules as he/she may deem appropriate and necessary. Such delegation shall be conveyed in writing.

2.10 Driving Standards

The City's driving standards are set by the NCCSIF Risk Management Policy & Procedure #RM-2. All employees required to drive in the course of their employment any vehicle identified in Vehicle Code Section 1808.1(k) shall be placed in DMV's pull notice program upon hire, unless the employee is a "casual driver" as defined in Vehicle Code Section 1808.1(j).

2.11 Employment of Relatives

The City will not discriminate in its employment and personnel actions with respect to its applicants and employees on the basis of marital status.

a. Notwithstanding this policy, the City retains the right to:

1. Not appoint to a full time position a relative of any employee in the departments of City Manager, City Attorney, or the Human Resources Department.
2. Not appoint to a full time position a relative of any City Council Member.
3. Not appoint to a full time position an employee where, in any manner or form they are supervised by or supervise a relative.
4. Refuse to appoint to a full time position the relative of any employee which would create operational concerns regarding supervision, safety, security, morale or conflict of interest, including, but not limited to where the employees would have job duties requiring performance of shared duties on the same or related work assignments.

b. "Family member" or "relative" shall include the following:

1. Employee's spouse, son, daughter, mother, father, brother, sister, grandparent, great-grandparent, grandchild, step-grandparent, step-parents, step-siblings, step-children.

2. All people with the same relationship to the employee's spouse, and any child or close relative for whom a residency statement has been filed with the City confirming that the employee's residence is the child's or close relative's primary residence.
3. Domestic Partner: Individual registered with the State of California.

c. "Supervision" shall mean:

1. Responsible for the employee's performance appraisal, and/or
2. Responsible for low level discipline (oral and or documented oral counseling), and/or
3. Responsible for responding to, or adjusting an employee grievance, and/or accountable for employee's time (e.g. schedule and or time sheet approval).

2.12 Telephone Policy - Please refer to the City's Information Systems Policy

2.13 Safety

It is the policy of the City of Galt to maintain a safe and healthy work environment for all employees. Managers and employees shall comply with all applicable Federal, State and local safety laws and regulations. Each department shall conduct its operations and activities in a safe manner to minimize the risk of injury to employees and the public. The immediate responsibility for preventing accidents belongs to each supervisor, as well as each employee. Managers, supervisors and employees are expected to report potential safety hazards without fear of retaliation, and with confidence that safe and healthful conditions and practices will prevail in the workplace. It is the policy of each City department to identify and minimize potential risks inherent in the operation of various programs, services, facilities, and equipment. (Please refer to the City of Galt Injury and Illness Prevention Plan for more information.)

2.14 Outside Employment

All employment outside City employment must be authorized by the City Manager. Permission to take outside employment will not be unreasonably denied. Requests for outside employment will be rejected (or rescinded) if a potential conflict of interest exists or if the additional work adversely affects the employee's job performance.

2.15 Change in Employee Personal Information

Each employee is responsible for providing prompt notification within thirty (30) days to the Human Resources Department of any change to relevant personal or benefit information such as:

mailing address, telephone number, name changes, emergency contact information, and number and names of dependents or beneficiaries.

2.16 Reference Checks

All requests made from outside the City for reference checks or verification of employment concerning any current or former employee must be referred to the Human Resources Department. Information will be released only if the employee has authorized such release. Without authorization, the following limited information will be provided: dates of employment, job title, and current salary or salary upon departure.

SECTION 3. DEFINITIONS

3.1 At-Will

Employees appointed to positions designated at-will means that both the employee and the City have the right to terminate employment at any time, with or without advance notice, and with or without cause. At-will employees have no access to administrative grievance and/or disciplinary appeals procedures described and explained in this Manual. The terms and conditions of employment for full time at-will employees will be outlined in a personal services contract executed upon appointment. Part-time and temporary employees are at-will with the terms of employment outlined in the "At-Will Statement" signed at time of hire. Nothing in the City of Galt Personnel Manual, the "At-Will Statement", or in an employee's contract shall limit the right to terminate employment at-will.

3.2 Bereavement Leave

A period of leave time allowed with pay to a regular employee in the event of death within the immediate family, as defined in Section 3.18.

3.3 Compensatory Time

Accumulated overtime which a regular, non-exempt employee can bank in lieu of overtime payment.

3.4 Class, Classification

A group of positions similar in duties performed, degree of supervision and responsibility exercised or required, minimum requirements of education, experience, skill and such other qualifications, so that the same title, the same tests of fitness and the same schedule of compensation may be applied to each position in the group.

3.5 Class Series

Two or more related classes that typically constitute a career ladder. A class series, if warranted, may consist of two or more of the following levels: an entry/trainee level, a journey level, and an advanced journey and/or lead level.

3.6 Classification Plan

A compilation of the title, definition, and scope of duties for each class adopted by the City Council.

3.7 Continuous Employment

City employment which is uninterrupted except by authorized absences, including authorized paid and unpaid leaves of absence.

3.8 Continuous Examination

An open competitive examination which is administered periodically and as a result of which names are placed on an employment list, in order of final scores, for a period of not more than six months, unless it is recommended by the department affected, and approved by the City Manager, that such list be abolished or extended, which may be done at any time.

3.9 Demotion

The movement of an employee from one class to another having a lower salary or salary range.

3.10 Department

A major administrative branch of the City, involving a general line of work, with one or more employees under the charge of a designated department head.

3.11 Disciplinary Action

The discharge, demotion, reduction in pay, suspension, written reprimand, or termination of an employee for punitive reasons.

3.12 Dismissal or Discharge

Involuntary termination of employment with the City.

3.13 Eligible

A person whose name is on an employment list.

3.14 Employee

A person who is legally occupying a position in City service or who is on an authorized leave of absence from the position. Employees are separated into different employment categories as set forth in Section 6.00 of this Personnel Manual.

3.15 Eligible Employment List

That list of individuals who have successfully passed all employment tests for an authorized position, except pre-employment medical and psychological exams, and who are eligible for employment with the City but have not yet been hired.

3.16 Full Time Employee

An employee of the City who is regularly assigned to work forty (40) hours per week in an authorized probationary, at-will, or regular position. Authorized positions are those positions specifically approved by the City Council.

3.17 Good Standing

Being currently employed, and not under disciplinary action, by the City.

3.18 Immediate Family

The employee's spouse, son, daughter, mother, father, brother, sister, grandparent, great-grandparent, grandchild, step-grandparent, step-parents, step-siblings, step-children, all people with the same relationship to the employee's spouse, and any child or close relative for whom a residency statement has been filed with the City confirming that the employee's residence is the child's or close relative's primary residence.

3.19 Jury Duty

Time off to serve as required by law on an inquest or trial jury, or to appear in court as a witness (see section 13.3).

3.20 Leave of Absence

An authorized absence from duty without pay of any regular, or full time at will, employee pursuant to Subsection 12.04 ("Leave of Absence Without Pay") of this Personnel Manual.

3.21 Merit Increase

A step increase in an employee's designated salary range.

3.22 Personnel Manual/Rules

This group of rules and procedures concerning City employment.

3.23 Position

A specific work position, within a job classification, which is or may be held by a regular, full time at will, or probationary employee, and has been expressly approved by the City Council by inclusion within the budget.

3.24 Probationary Period

A period to be considered an integral part of the examination process during which an employee is required to demonstrate fitness for the position to which the employee is appointed by actual performance of the duties of the position.

3.25 Salary Range

Levels of pay which determine the minimum and maximum salary payable for each employment classification.

3.26 Salary Step

A level of salary payable in each salary range.

3.27 Sick Leave

A paid absence from duty by a regular, full time at will, or probationary employee necessitated by the illness or injury of the employee.

3.28 Suspension

The temporary separation from service of an employee, without pay, for disciplinary purposes.

3.29 Termination

The conclusion or cessation of employment available to be filled at the discretion of the City, whether initiated by the City or the employee.

3.30 Vacancy

An unfilled authorized position with the City.

SECTION 4. COVERAGE

4.1 Coverage

These rules establish the personnel system for the City of Galt. These rules shall apply to part time, temporary, full time, and at-will employees; however, at-will employees shall not have access to specific benefits or administrative grievance and/or disciplinary procedures described and explained in this policy.

SECTION 5. CLASSIFICATION PLAN

5.1 Classification Plan

The classification plan shall be maintained by the Human Resources Department. All positions substantially similar in duties, responsibilities, authority, and qualifications required are so classified that schedules of compensation may be applied equitably. Job descriptions will set forth the title of the classification, define the classification, describe the duties and responsibilities of the classification, and the qualifications needed for such classification.

5.2 Adoption, Amendment, and Revision of Plan

The classification plan shall be adopted by the City Council and may be amended or revised from time to time. The City Manager has authority to approve non-substantive changes to job descriptions in the classification plan. All other changes shall be approved by Council. Where required by law, the City will comply with any meet and confer responsibilities.

5.3 Allocation of Positions

The number of full time and part-time positions allocated to specific classifications in each department shall be approved by the City Council. This information can be found in Schedule VI of the City of Galt budget.

5.4 Reclassification/New Position Request

a. Reclassification

1. A reclassification may occur when the duties and responsibilities of a position may have undergone a significant change in the type, difficulty, or degree of responsibility entailed in the work performed within that position. Such a situation may result in the assignment of classification to a higher, lower, or similar classification based on the type of changes which have occurred.

2. If a Department Head believes a classification is no longer appropriate for a position, a job audit may be requested by submitting a job audit request to the Human Resources Department.
3. All job audit requests must be submitted by October 31 of each year. The requests will be reviewed by the Human Resources Administrator and City Manager, with reviews being completed by November 30 of the same budget year.
4. If a job audit is deemed appropriate, the Human Resources Administrator or an independent consultant will conduct the job audit with the projected completion date of no later than February 28 of the same budget year.
5. Should the job audit conclude that a new position classification is necessary or that a position is not classified correctly and should be reclassified, the Department Head would then place the position request in the next fiscal year's budget.
6. When approved by the City Council, the change to the position would be effective July 1.

b. New/Revised Job Classification

1. The Department Head may request to develop a new job classification or revise a current job classification.
2. All such requests must be submitted by October 31 of each year. The requests will be reviewed by the Human Resources Administrator and City Manager, with reviews being completed by November 30 of the same budget year.
3. If a job audit is deemed appropriate, the Human Resources Administrator or an independent consultant will conduct the job audit with the projected completion date of no later than February 28 of the same budget year.
4. Should the job audit conclude that a new or revised position classification is necessary; the Department Head would then place the position request in the next fiscal year's budget.
5. When approved by the City Council, the change to the position would be effective July 1.

Consideration of reclassifications or new/revised job classifications outside of the normal review process will be considered under special circumstances with justification from the Department Head as to why such special consideration should be given.

An incumbent of an occupied position that has an increase in salary shall be increased to at least step "1" of the higher salary range, or five (5%) percent, whichever is greater. Upon recommendation of the department head and approval of the City Manager, an increase of a higher amount may be granted.

An incumbent of an occupied position that has a decrease in salary will be "Y-rated." This means that the incumbent's salary will be frozen until increases in the new salary range equal or exceed the former salary range. Such an action will not be considered disciplinary; rather, it is simply the result of a reorganization or reconfiguration of the job classification duties and responsibilities.

5.5 Layoff and Recall

The City Manager may layoff employees in accordance with the provisions of this section due to lack of funds or work; or in the interest of economy or efficiency due to reorganization; or for other applicable reasons. Such action is not disciplinary with no right of appeal. Affected employees do have the right to schedule a meeting with the City Manager to provide information on why their specific position should not be eliminated or if the employee believes the layoff is for reasons other than due to lack of funds or work, or in the interest of economy or efficiency.

- a. Notice of Layoff: Employees affected by a layoff shall be given reasonable notice, and whenever possible, at least fourteen (14) days advance notice.
- b. Order of layoffs: Regular employees shall be laid off in inverse order of classification series seniority within the class being reduced. Ties on classification seniority shall be broken using the employees' City service seniority.
- c. Seniority: For purposes of this provision, seniority is defined as:
 1. Classification Series Seniority: The amount of time an employee has been in their classification series. For purposes of this provision, the term "classification" shall apply to all levels within an alternately staffed series.
 2. City Service Seniority: The amount of time the employee has been employed by the City of Galt with no break in service.

Approved leaves taken in accordance with FMLA/CFRA regulations and layoffs of less than one year shall not constitute a break or interruption in service for purposes of determining seniority.

"At-Will" department heads serve at the discretion of the City Manager. If the City Manager decides to layoff an "at-will" department head position the affected employee's employment ends according to their individual employment contract.

Part time, temporary and seasonal workers are "at-will" employees and are not covered by these layoff provisions or individual employment contracts and may be separated at

any time. Part-time, temporary and seasonal workers within a classification shall be terminated before a regular employee is laid off within the same classification.

d. Displacement and Demotion in Lieu of Layoff

1. Demotion: In lieu of being laid off, the City Manager may first demote the affected employee to an open vacancy, if any, in a lower class within the employee's current classification series for which that employee meets the minimum qualifications.

2. Displacement: If an employee is not demoted to an open vacancy in the employee's current classification series, the affected employee may displace an employee (1) holding a lower classification in the laid off employee's classification series or (2) displace an employee holding a position previously held permanently in the City by the laid off employee provided the employee:

- A. has more City Service Seniority than the employee to be displaced;
- B. worked in that position as recent as five (5) years or less prior to layoff;
- C. is willing to accept the reduced level of compensation, if any;
- D. can meet the required qualifications in effect on the date of the lay off for the other classification;
- E. requests displacement action within ten (10) days after receipt of the notification of layoff.

e. Reinstatement: The names of employees who are laid off or who have been displaced will be maintained on a re-employment list for the classification they were laid off or displaced from for twelve (12) months. When using the re-employment list to fill a position in a classification from which layoffs have occurred, the city shall re-employ laid off employees from the list in reverse order of layoff. During the twelve (12) month period, no employee shall be hired nor shall any employee be promoted to a classification from which layoffs have occurred until all employees on layoff status in that classification have had the opportunity to return to work.

A reinstated employee appointed from a re-employment list shall have all rights accrued prior to being laid-off, such as sick leave, vacation leave, and credit for years of service. e.g. Employees hired from re-employment list will begin accruing leave hours at the same rate as when they were laid off, their total City seniority will include all prior service as a full time employee going forward. Recalled employees shall not be eligible for benefits for which he/she received compensation at the time of, or subsequent to, their layoff date. For example, an employee with one thousand (1,000) hours sick leave at time of layoff uses six hundred forty (640) hours for payoff. When reinstated, the employee would have three hundred sixty (360) hours credited to their sick leave bank.

f. Severance pay: A regular, full time employee laid off may receive a severance allowance of one week's pay for each year of service up to a maximum equivalent to two (2) months

salary based upon his/her salary at the time of separation. This payment is contingent upon the affected employee signing a waiver and release waiving any grievance or administrative or legal claim against the City or its employees and agents concerning the employee's employment or separation from the City, including, but not limited to the decision to layoff the employee.

- g. Conflicts: Should any provision of this rule conflict with any other provision of this Personnel Manual, the provisions set for in this rule shall prevail.

SECTION 6. EMPLOYMENT STATUS

6.1 Employment Status

In order to determine eligibility for various benefits, the following employment categories have been established:

6.2 Probationary Employees

Full time employees are hired by the City on a probationary basis for a period of twelve (12) months except for police officers who serve a probationary period of eighteen (18) months and at-will positions that do not serve a probationary period. The probationary period shall be regarded as part of the testing process and shall be utilized for closely observing the employee's work to determine the employee's fitness for the position. During the probationary period, an employee may be rejected at any time and without cause without right of appeal. The probationary period may also be extended by the Department Head. The extension needs to be in writing to the employee and will be placed in the Personnel File until the extension is reached.

Calculation of the probationary period shall exclude any time, in excess of two (2) consecutive weeks, during which the employee is on leave. A probationary employee will accrue and be eligible to take vacation leave during the probationary period.

On accepting a promotion, an employee serves a new probationary period. At any time during the probationary period, the City may remove or demote an employee whose performance, in the City's discretion, does not meet the required work standards. When an employee successfully completes his/her probationary period, his/her seniority shall begin from the original date of hire, as a regular full time employee. The employee is not entitled to notice or a hearing if removed or demoted during probation.

6.3 Regular Employee

A regular employee is a full time employee of the City who is regularly assigned to work forty (40) hours per week in an authorized full time position, which position exists continuously, and who has successfully completed his or her probationary period or is a full time at-will employee that

does not serve a probationary period. Authorized positions are those positions specifically approved in the annual budget by the City Council.

6.4 Part Time Employee

A part time employee is an at-will employee of the City who is assigned to work in an authorized part time position with a consistent work schedule with an average of twenty (20) to thirty six (36) hours per week. Authorized positions are those positions specifically approved in the annual budget by the City Council. Part time employees are “at-will” as described in section 3.1 of this Personnel Manual.

Part time employees are not eligible to receive any City provided employee benefits, except those expressly stated in this Personnel Manual or provided by applicable law.

6.5 Temporary Employee

A temporary employee is an at-will employee assigned to work in a position less than nine hundred forty (940) hours per fiscal year. A temporary employee is not a regular employee, part time employee, probationary employee, or an elected official as defined in this Personnel Manual.

Temporary employees are not eligible to receive any City provided employee benefits, except as provided by applicable law. Temporary employees shall have no right to, or expectation of, reemployment after the term of such temporary employment.

6.6 Rehired Employee

An employee who has resigned “in good standing”, and upon the recommendation of the Department Head and approval of the City Manager, may be rehired in the employee’s former position within one (1) year from the effective date of the employee’s resignation. Re-employment such as this can be made even though there is a current eligibility list for the classification.

No competitive examination is required. The employee must, however, meet current minimum qualifications for the position and pass applicable pre-employment examinations such as medical, drug/alcohol screening, and Department of Justice clearance. The salary step at time of rehire shall not be higher than the step the employee was on at the time of his/her resignation.

The rehired individual shall serve a probationary period of six (6) months and shall have vacation and sick leave hours reinstated except those for which there was a cash payout. The anniversary date of the rehired employee shall be adjusted to reflect the period of absence from City employment. Prior full-time employment shall be counted in determining benefit eligibility such as seniority, vacation accrual, sick leave accrual, longevity, etc.

6.7 Elected Officials

The City of Galt has two positions which are elected on a four-year term. These positions are the City Clerk and City Treasurer. The City's personnel rules do not apply to these individuals.

SECTION 7. FAIR LABOR STANDARDS ACT EMPLOYEE CATEGORIES

7.1 Non-Exempt Personnel

Non-exempt personnel include all employees who are covered by the overtime provisions of the Federal Fair Labor Standards Act ("FLSA") or any applicable state laws. Employees in this category are generally entitled to overtime pay for work in excess of forty (40) hours in a designated seven (7) day work week.

7.2 Exempt Personnel

This category includes all employees who are classified exempt from the overtime provisions of the Federal Fair Labor Standards Act ("FLSA") and any applicable state laws. Such employees include but are not limited to employees in positions categorized as executive, administrative and professional and elected officials.

SECTION 8. RECRUITMENT PROCESS

8.1 Announcement

Position vacancies shall be publicized by such methods as the City Manager or his or her designee deem appropriate. If the City Manager determines that sufficient candidates exist within the City, applications may be limited to only City employees. If there are not sufficient candidates within the City of Galt workforce, the recruitment shall include external advertisement and applicants. The City Manager may fill a position with an internal candidate without posting if determined to be in the best interests of the City. The announcements shall specify the title and pay of the class for which the examination is announced; the nature of the work to be performed; preparation desirable for the performance of the work of the class; the manner of making application; the form or forms of examination which may be used; the minimum qualifications; whether or not the position is at-will, and other pertinent information.

8.2 Application Forms

Applications shall be made as prescribed on the examination announcement. Application forms shall require information covering training, experience, and other pertinent information, and may include certificates of one or more examining physicians and references. All employment applications must be completed in full.

8.3 Disqualification

The City Manager or designee may reject any application which indicates that the applicant does not possess the qualifications required by the City for the position. Grounds for disqualification include but are not limited to the following:

- a. They are not eligible to apply for the position;
- b. They do not possess the minimum qualifications and essential skills for the position;
- c. They are not physically or mentally fit to perform the duties or assume the responsibilities of the position and reasonable accommodation cannot be made;
- d. They have demonstrated an unsatisfactory employment record;
- e. They have made false statements or misrepresentations on their application or in their interview; or In the view of management, the applicant would not fill the operational needs of the City of Galt;
- f. Directly or indirectly obtained information regarding examinations;
- g. Failed to submit the employment applications correctly or within the prescribed time limits;
- h. Has had his or her privilege to operate a motor vehicle in the state of California suspended or revoked, if driving is required.

Applications may be rejected if the applicant has made any false statement of any material fact or has practiced deception or fraud in an application.

8.4 Selection Process

It is the City's policy to fill vacancies with applicants it judges to be the most qualified. The selection techniques used in the examination process shall be impartial and relate to those subjects which fairly measure the relative capacities of the persons examined to execute the duties and responsibilities of the class to which they seek to be appointed.

Examinations shall consist of selection techniques which are designed to test fairly the qualifications of candidates such as, but not necessarily limited to, achievement and aptitude tests, other written tests, personal interview, performance tests, physical agility tests, evaluation of daily work performance, work samples, medical tests, psychological tests, background investigations, polygraph investigations, successful completion of prescribed training, or any combination of these or other tests. The probationary period shall be considered as a portion of the examination process.

After the time limit for receiving applications for a particular position has expired, the City Manager or designee shall determine the total number of applicants who meet the minimum qualifications for the positions. If the City Manager or designee determines that giving an examination of the nature and type appropriate to all the qualified applicants would unnecessarily burden the resources available to the City, the City Manager or designee may rank, for qualifying purposes only, the applications submitted on the basis of the applicants' experience, education, training, and work history as related to the particular position, and may choose a reasonable number of applicants whom he or she determines would best fit the position. The chosen applicants shall then be given further examinations to obtain a score and ranking on the eligible list.

Failure in one part of the examination, or failure to meet established standards described in the job announcement, may be grounds for declaring such applicant as failing the entire examination or as disqualified for subsequent parts of an examination.

8.5 Internal/Promotional Examinations

Internal/promotional examinations may be conducted whenever the needs of the City require. Employees who meet the requirements set forth in the internal/promotional examination announcement may compete in the examination process.

Names shall be placed on employment lists, and shall remain on such lists, for a period of six (6) months, unless it is recommended by the department affected, and approved by the City Manager, that such list be abolished or extended, which may be done at any time.

An employee's relevant past performance, abilities, qualifications, potential, and job experience are important factors that are considered in the selection process. As a minimum standard, any current employee who meets the minimum qualifications for the position is guaranteed entrance to the first examination, written or oral.

8.6 Open-Competitive Examinations

Open-competitive examinations may be administered periodically for a single class as the needs of the service require. Names shall be placed on employment lists, and shall remain on such lists, for a period of six (6) months, unless it is recommended by the department affected, and approved by the City Manager, that such list be abolished or extended, which may be done at any time.

8.7 Notification of Examination Results and Inspection of Examination Papers

Each candidate of an examination shall be given notice of the results thereof, and if successful, of the final earned score and/or whether or not they have been placed on the employment list.

All candidates shall have the right to inspect their own test answer sheet during normal working hours, within five (5) working days after the notifications of examination results have been postmarked. Any error in computation, if called to the attention of the Human Resources Department within this period and confirmed by the Human Resources Department, will be corrected and the final score adjusted accordingly. However, such corrections shall not require invalidation of appointments previously made. Examination papers of applicants are not subject to inspection by the public or by other applicants.

8.8 Psychological/Polygraph Standards

A psychological/polygraph examination may be conducted, consistent with legal requirements, for all applicants for sworn and non-sworn Police Department positions including reserves and

volunteers for the Police Department, and other psychological examinations may be conducted for all applicants desiring special assignments within the Police Department. The test(s) shall be administered by a licensed firm selected by the City. Background checks will be conducted, as well, for all applicants for Police Department positions prior to appointment.

8.9 Pre-Employment Medical Examinations

A medical examination at City expense is required for final candidates after a conditional offer has been made and before the employee's first day of employment. Such examination shall be performed by a licensed physician of the City's choice. Documents indicating that the applicant has received a medical clearance shall be made part of his/her personnel file, but all information obtained as a result of the examination shall be kept in a separate file, in accordance with the Americans with Disabilities Act. The City Manager may establish job-related physical standards for each job classification. An applicant's failure to achieve minimum standards so established will result in disqualification from employment.

If a medical or psychological examination is required, only a conditional appointment will be offered to an applicant who has not yet submitted to an authorized examination. Employment will be contingent on satisfactorily passing the examination.

8.10 Appointment

The positions of City Manager, City Attorney, and Clerk Administrator shall be filled by City Council appointment. All other positions (excluding elected officials, i.e., City Clerk and City Treasurer) shall be filled by appointment by the City Manager.

When a position is to be filled from a promotional or open list, the City Manager shall choose from the eligible list. If no person on the eligible list who is offered the position indicates a willingness to accept the appointment, the City Manager may make the appointment from among the remaining names on the eligible list, may request a new examination and establish a new eligible list, or may fill the position by any method authorized by the Personnel Manual.

8.11 Seniority

Upon completion of his/her probationary period, an employee's seniority shall be established. The seniority date begins at the original date of hire in a regular position.

SECTION 9. SALARY AND COMPENSATION PLAN ADMINISTRATION

9.1 Salary Ranges

The City has adopted certain salary ranges for regular City employees. These ranges may be changed from time to time by the City Council.

9.2 Salary Organization

There shall be a salary range for each authorized position. Salary ranges may include salary steps (step 1, step 2, step 3, step 4, and step 5, respectively). There shall be a five (5%) percent differential between salary steps.

9.3 Administration of Salaries

The City has a salary schedule which denotes the steps in the pay ranges of the City salary plan. Employees and candidates shall be employed or appointed at step 1 of the salary range for their particular class unless approved by the Department Head to start at a higher step. Advancement within a salary range shall not be automatic, but shall be given only upon approval of the Department Head. An employee may be considered for increases in salary according to the following schedule, but all advances or increases will be based on merit and performance:

- a. Employees may be considered for increase to the next higher step upon the satisfactory completion of at least twelve (12) months of service at the current step.
- b. Employees shall move to the next successive step in the range following one (1) full year of service year and having received an overall satisfactory written performance evaluation.
- c. Where warranted, in the opinion of the department head and approved by the City Manager, an employee may be moved above the next successive step based on merit and performance.

9.4 Standard Work Period

The standard work period for full time employees shall be eighty (80) hours per biweekly period. The City Manager may assign a different work week or work day when it is deemed to be in the City's best interest.

9.5 Anniversary Date

Each employee shall have a salary anniversary date of the first day of the month or the sixteenth of the month, whichever pay period is closer to the date of his/her appointment, employment, reinstatement, or re-employment.

9.6 Temporary Assignment in a Higher Paid Classification

Employees represented by bargaining units shall receive additional compensation for working temporarily in a higher paid classification according to the provisions contained in the MOU. For all other regular, full time employees specifically assigned to perform the duties of a higher classification for more than five (5) consecutive scheduled working days and who are both

qualified and required to perform at least a substantial portion of the tasks of the higher classification shall be compensated five (5%) percent above the salary which he/she is currently receiving beginning on the first day of such schedule. Any break in consecutive scheduled working days shall then require the employee to re-qualify for the five percent (5%) adjustment as provided above. In the event that an employee is temporarily assigned for more than three consecutive calendar months, the limitation on the pay differential shall be negotiated. Whenever an amount greater than five (5%) percent is recommended by the Department Head, or an exception to the five (5) consecutive days, it will require approval by the City Manager or his/her designee.

9.7 Overpayment By City

In the event that the City erroneously overpays or compensates an employee, repayment to the City of amounts due shall be payable over a period of time, no longer than the period in which the overpayment occurred.

SECTION 10. PERFORMANCE EVALUATIONS

10.1 Annual Performance Evaluation

An employee's supervisor will prepare at least once per year a written performance evaluation for each regular employee.

10.2 Evaluation Form and Effect of Performance Evaluation

The City Manager or designee shall prescribe forms for such performance evaluations and shall be responsible for assuring that such evaluations are adequate to provide information to both the employee and the City for the purposes set forth in this section.

An employee must have a performance evaluation with an overall "satisfactory" rating to be eligible for a merit salary increase or promotion, such merit increase shall be effective on the closest payroll date to the employee's anniversary date for that position.

Employees receiving less than an overall "satisfactory" rating on their performance evaluation will not be entitled to a merit increase in salary. Deficiencies in performance by an employee may result in a decrease in salary, suspension, demotion, or dismissal. Should the evaluation show deficiencies in performance, the party conducting the evaluation will specify a time for re-review not to exceed six months from the date of said evaluation.

10.3 Performance Evaluations Other Than the Annual Evaluation

Performance evaluations may also be prepared in any of the following:

- a. When an employee has worked an initial six (6) month period in a new job position. (This provision applies to newly hired employees as well as employees who have been promoted or otherwise transferred to new job positions.);
- b. When an employee is promoted or transferred, the performance evaluation date will be twelve (12) months from date of action.

10.4 Discussion of Performance Evaluation

Upon the completion of any performance evaluation, and after Department Head review and approval, a meeting shall be held between the employee and the supervisor to discuss the employee's performance and to assist in developing the employee's maximum potential within City service.

10.5 Performance Evaluations Part of Personnel File

All performance evaluations become a permanent part of a regular employee's personnel file. All regular employees shall have the option of filing a written rebuttal to the evaluation and having it become part of the personnel file.

SECTION 11. EMPLOYEE BENEFITS

11.1 Employee Benefits

The City provides benefits for its employees depending on employee category. For the purpose of this section, all references to "employee" shall mean full time employee, as described in section 3.16 of this Personnel Manual, unless otherwise noted.

11.2 Workers Compensation Please refer to the City's Workers Compensation Policy

Workers Compensation Benefits apply to all employees in any employment category injured in the performance of assigned their duties a medical examination, medical care, compensation and other benefits as are mandated under the Workers Compensation laws of the State of California.

11.3 Group Medical-Dental-Life-Vision Insurance

Eligible full time and part time employees and their eligible dependents may participate in the CalPERS medical program. Participation is mandatory for all full time employees in other health benefits and they shall be automatically enrolled in the group life, long-term disability, and vision programs.

The City funds the cost of employee group insurance for represented employees as provided in their respective MOU's. For management, mid-management, and professional/confidential

employees and their eligible dependents, the City funds the cost of premiums for employee insurance coverage as follows:

- a. The City's contribution for medical benefits for employees as of January 1, 2015, regardless of the health plan in which the employee is enrolled, shall be \$581.17 for Employee Only, \$1,150.34 for Employee plus One, or \$1,470.24 for Employee plus Family.

Effective January 1, 2016, the City's maximum monthly contribution for medical benefits for employees shall be \$596.17 for Employee Only, \$1,180.34 for Employee plus One, or \$1,520.24 for Employee plus Family.

- b. Group insurances will be effective the first day of the month following the date of hire.
- c. The City shall contribute all of the cost of the premiums for vision insurance for the employee, spouse and children.
- d. The City shall contribute all of the cost of the premiums for dental insurance for the employee, spouse and children.
- e. The City shall pay the total cost of term life insurance premiums at the following levels of life insurance coverage for management, mid-management, and professional/confidential employees:

Management	\$100,000
Mid-management	\$50,000
Professional/confidential	\$35,000

The insurance amount is reduced to sixty-five percent (65%) when the employee reaches age seventy (70) and then to fifty percent (50%) when the employee reaches age seventy-five (75.)

- f. The City shall contribute the cost of the premium for Long-Term Disability (non inclusive of the voluntary portion) and the Employee Assistant Program.
- g. The City reserves the right to self-insure any of the group insurances, change carriers, and make changes to any of the benefit plans.
- h. Pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), employees and their dependents are entitled to a continuation option of group health plan benefits coverage at group rates plus costs to the City on the occurrence of certain qualifying events such as termination.

- i. Employees classified as management, mid-management, or professional/confidential who choose to waive coverage prior to September 2, 2014 shall be compensated \$425/month for employee plus one and \$600/month for employee plus family. Employees who choose to waive coverage, after September 2, 2014 under the City's medical insurance program shall be compensated \$350/month for employee plus one and \$500/month for employee plus family. This payment shall be in addition to their regular monthly compensation and is in lieu of the City provided medical insurance benefits. Represented employees shall receive additional compensation as may be provided by their respective MOU. Such benefits shall be payable beginning with the first of the month following the date in which insurance is waived, and shall continue as long as the waiver is in effect and as long as the employee would otherwise be eligible for such insurance in the absence of a waiver.

In order to participate in the cash in-lieu of medical insurance, the employee shall provide proof of alternate coverage and sign a waiver stating that she or he does have alternative coverage and that she or he understands that she or he will no longer receive coverage for themselves or their family through a City provided plan.

Any such amount of medial reimbursement added to wages is not compensation for retirement purposes as defined by the California Public Employees Retirement System.

Employees who choose to waive coverage under the City's medical insurance program shall also waive coverage under the City's dental insurance program, unless the employee is not covered under another program. If not covered under another program, the employee shall complete the exception affidavit for dental coverage waiver.

- j. The City's contribution for medical benefits for part-time employees shall be in accordance with the California Government Code Section 22892 of the Public Employees' Medical and Hospital Care Act (PEMHCA) which establishes the City's minimum health premium contribution.
- k. Retiree Medical Benefits: Effective September 1, 2012, City of Galt qualified retirees and their eligible dependents may participate in the CalPERS medical benefit program. To qualify as a retired annuitant, the employee must retire within one hundred twenty (120) days of separation from employment, be eligible for benefits at time of separation, and receive a monthly CalPERS retirement allowance.

The City's contribution amount towards retiree medical benefits shall be in accordance with Government Code Section 22892. The City's contribution amount shall cease should the City cancel the CalPERS health contract.

11.4 Retirement Plan

The City's retirement program through the California Public Employee's Retirement System ("CalPERS") is available to employees as provided in the contract between the City and PERS and in Government Code Section 20300, et. seq.

a. Miscellaneous Employees

1. New Member - Employees hired by the City of Galt on or after January 1, 2013, who have never been a member of CalPERS, or a CalPERS reciprocal public agency or who have had a six (6) month (or more) break in service from a CalPERS agency or a CalPERS reciprocal public agency prior to hire date, shall be subject to the following provisions:
 - CalPERS Retirement Formula 2% @ 62, three (3) year final compensation.
 - New members pay fifty percent (50%) of normal costs of the plan.
2. Classic Member - Employees employed by the City of Galt prior to January 1, 2013 OR employees hired by the City of Galt after January 1, 2013 who previously worked for a CalPERS agency or reciprocal agency without a six (6) month break in service prior to hire date, shall be subject to the following provisions:
 - CalPERS Retirement Formula 2% @ 55, single highest year final compensation.
 - Classic members pay two percent (2%) of the CalPERS Employee Share. The City pays the remaining five percent (5%) of employee share and the total employer share.
 - Effective July 1, 2017, Classic Members will pay the entire seven percent (7%) employee share.
 - The City of Galt will continue to pay the entire employer share.

b. Safety Employees

1. New Member - Employees hired by the City of Galt on or after January 1, 2013, who have never been a member of CalPERS, or a CalPERS reciprocal public agency or who have had a six month (or more) break in service from a CalPERS agency or a CalPERS reciprocal public agency prior to hire date, shall be subject to the following provisions:
 - CalPERS Retirement Formula 2.7% @ 57, three (3) year final compensation.
 - New members pay fifty percent (50%) of normal costs of the plan.
2. Classic Member - Employees employed by the City of Galt prior to January 1, 2013 OR employees hired by the City of Galt after January 1, 2013 who previously worked for a CalPERS agency or reciprocal agency without a six (6) month break in service prior to hire date, shall be subject to the following provisions:
 - CalPERS Retirement Formula 3% @ 50, single highest year final compensation.

- Classic members pay the full nine percent (9%) CalPERS Employee Share.
- The City of Galt will continue to pay the entire employer share.

11.5 Social Security Program

- a. The City participates in the Federal Insurance Contributions Act (FICA) for full time and part-time employees. The FICA tax consists of both Social Security and Medicare taxes, which are paid both by the employee and the City of Galt. Employees pay half through payroll deduction and the City of Galt pays the other half totaling fifteen and three tenths percent (15.3%.)
- b. Temporary employees participate in an alternate plan called the Public Agency Retirement Services Alternate Retirement System 457 Plan (PARS ARS 457).

11.6 Deferred Compensation

The City currently offers to all employees, in any employment category, a voluntary Deferred Compensation Plan. The employee may elect to have any amount of money up to the legal limit withheld from their regular paycheck and placed in a deferred compensation plan in accordance with Section 457 of the Internal Revenue Code.

11.7 Unemployment Insurance

Unemployment insurance is provided in accordance with current state and federal laws.

11.8 Damaged Clothing Reimbursement

The City will reimburse any employee for the accidental destruction of, or damage to, personal clothing and medically needed prescription glasses when used on the job. Reimbursement shall be based on the cost of repair, as approved by City Manager, but if the damage cannot be repaired, then reimbursement shall be based on the article's market value, in either case not to exceed seventy five dollars (\$75.00) for each article so damaged.

11.9 Mileage Reimbursement - Please refer to the City's Reimbursement Policy

11.10 Uniform Allowance

The City provides sworn Police Department management and mid-management staff with a uniform allowance in the same amount as in the Galt Police Officers Association MOU.

11.11 Incentives

- a. Sworn Police Department management and mid-management staff with at least sixty (60) semester units and a POST Intermediate Certificate shall receive five percent (5%) of their base pay.

Sworn Police Department management and mid-management staff with a BA or POST Advanced Certificate shall receive five percent (5%) of their base pay as well.

Sworn Police Department management and mid-management staff eligible for both incentives shall receive a cumulative total of ten percent (10%) of their base pay.

- b. Any engineer registered as a Land Surveyor or otherwise authorized by law to practice surveying in the State of California and accepts appointment as a City Surveyor will receive an additional two percent (2%) of his/her salary.
- c. Incentives for represented employees are provided in their respective MOU's.
- d. Bilingual Pay

Employee shall receive, in addition to the employee's regular compensation, fifty dollars (\$50.00) per month for bilingual skills if the employee meets the following criteria:

1. Certification from the City, by oral and/or written examination, the employee possesses the needed language skills, and
2. A recommendation by the applicable Department Head to the Human Resources Department that there is a significant need or benefit, on a regular basis, to having the employee certified in a particular language other than English.

Certifications required and obtained above will not automatically continue if an employee moves to another position.

11.12 Vaccinations

The City will pay the cost of employees to receive Hepatitis B vaccinations. A list of job classifications that have been identified as possibly having occupational exposure to blood or other potentially infectious materials is available in the Human Resources Office. Due to the employee being at risk of acquiring Hepatitis B virus HBV infections, he/she is eligible to receive the Hepatitis B vaccination series at no cost the employee. A Galt "Notice of Eligibility for Hepatitis B Vaccination" form will be included in each orientation packet for an employee whose position is identified as "at risk." The employee is to sign either the acceptance or the declination portion. A new position can be added any time a job or a task involving occupational exposure is created, revised or otherwise altered.

11.13 State Disability Income Insurance

The City participates in the California State Disability Insurance (SDI) and is funded through employee payroll deductions. SDI provides two benefits to employees: Disability Insurance and Paid Family Leave (PFL). Employees may coordinate SDI or PFL benefits with other paid leave time. Employees choosing to coordinate benefits shall advise their supervisor of the amount of leave hours to be reflected on their time sheet.

11.14 Flexible Spending Plan

Employees may participate in an employee paid plan under section 125 of the Internal Revenue Code (IRC) to be used for dependent care and unreimbursed medical expenses.

11.15 Catastrophic Leave Bank

In the event of a serious medical situation for a regular employee, the City will allow employees to donate accumulated leave to a “bank” to be used by a named employee. If more donated hours are received than needed, the unused hours shall remain in a shared leave bank to be used by future catastrophic leave recipients. See City Catastrophic Leave Policy for more information.

11.16 Longevity

This section applies to Professional Confidential, Mid-Management, and Management employees only. Regular full time employees who have been employed by the City for fifteen (15) years, shall be paid five (5) percent above their regular base pay. Regular full time employees who have been employed by the City for twenty (20) years, shall be paid seven and one half (7.5%) percent above their regular base pay.

SECTION 12. EMPLOYMENT HOURS AND OVERTIME

12.1 Hours of Work

- a. 9/80 Work Schedule: Where operational needs permit, employees work a 9/80 work schedule. Employees assigned this schedule will work eight (8) work days of nine (9) hours and one work day of eight (8) hours for a total of eighty (80) hours during two (2) consecutive work weeks. The eight (8) hour work day must be on the same day of the week as the employee’s regularly scheduled day off. The 9/80 work week begins on the employee’s 8 hour day, exactly four (4) hours after the scheduled start time.
- b. 5/40 Work Schedule: Regular hours for employees assigned a 5/40 work schedule shall be eight (8) hours per day, five (5) days per week, for a total of forty (40) hours per week.

A thirty (30) minute or one (1) hour non-compensated meal period shall be provided all full time employees, depending on their work schedules. A fifteen (15) minute compensated rest period

shall be provided all employees for each four (4) hour period of service. The rest period shall be taken at times designated by the employee's supervisor.

12.2 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 approval of the direct supervisor or Department Head prior to the work being done/hours being worked.

Full-time, non-exempt employees working in excess of their regularly scheduled shift or time worked over forty (40) hours in a workweek will be compensated at one and one-half times the employee's regular hourly rate of pay. Such compensation shall be by cash payment or as compensatory time off (CTO). CTO accruals shall be limited to eighty (80) hours at any one time.

Part-time or temporary, non-exempt employees working in excess of forty (40) hours in a workweek will be compensated at one and one-half (1.5%) times their regular hourly rate of pay.

12.3 Alternate Work Schedules/Flex Time

- a. The City may operate alternate work schedules which include, but are not limited to, variable daily work hours, flex time, adjusted weekly work schedules, or 4-10-40. Any alternate work schedule contemplated under this section by its nature shall not constitute, nor create, overtime.
- b. Employees may request an alternate work schedule which will first be considered by the Department Head. Should the Department Head determine that such alternate work schedule is feasible as recommended and does not adversely affect departmental operations, such proposal may be forwarded to the City Manager for consideration. Upon approval or modification by the City Manager, such alternate work schedule may be initiated.
- c. Upon recommendation of the Department Head to the City Manager, such alternate work schedules may be terminated or modified. The employee shall be given five (5) work days prior notice of the cancellation or modification of an alternate work schedule. Extensions not to exceed five (5) days may be granted with City Manager approval. The City Manager reserves the sole authority to terminate or modify alternate work schedules.

SECTION 13. LEAVES OF ABSENCE

13.1 Requirements of Attendance

Punctual and regular attendance is an essential responsibility of each City of Galt employee. Any tardiness or absence causes problems for fellow employees and supervisors. When an employee

is absent, others must perform the work, which diminishes the smooth functioning flow of the City of Galt.

Employees are expected to report to work as scheduled, on time and prepared to start work. Employees also are expected to remain at work for their entire work schedule. Late arrival, early departure or other absences from scheduled hours are disruptive and should be avoided. The purpose of this policy is to promote the efficient operation of the company and minimize unscheduled absences.

Any employee who fails to report to work without notification to his or her supervisor for a period of **three (3) days or more** will be considered job abandonment and the employee will be terminated.

Any unauthorized absence may be cause for disciplinary action, up to and including discharge from employment.

An authorized absence is defined as: an absence where prior permission has been obtained to be absent from duty for a specified purpose, with the right to return before or upon the expiration of the leave period.

Except in extraordinary circumstances, an employee who is unable to report for work at the beginning of his or her established shift shall attempt to notify his or her immediate supervisor at least one half (½) hour before the commencement of such shift. Failure to provide such notification shall result in the unreported period of absence for the first day being considered as leave without pay. An employee who is absent without notification may be subject to disciplinary action up to and including discharge from employment.

13.2 Administrative Leave

It is the policy of the City to allow exempt employees in the management and mid-management categories to receive administrative leave.

Management and mid-management personnel will receive administrative leave in lieu of overtime. Managers shall receive one hundred (100) hours and mid-managers seventy (70) hours on July 1 of each year, all of which shall be used before June 30 of each year and shall **not be cumulative** from year to year, nor shall it be eligible for compensation pay off.

In the event an individual separates service and has used administrative leave time in excess of what would have been accrued on an annual basis the employee will be required to reimburse the City. The employee will not receive any type of remuneration for any remaining, unused administrative leave hours.

When a management or mid-management position is hired after July 1 of any year, administrative leave time granted would be on a prorated basis for the remaining fiscal year.

A ten (10) month accrual period will be the basis for determining proration.

13.3 Jury Duty and Court Appearances

This section shall not apply to any employee who is named party to an action unrelated to the City and its activities or is serving as a paid expert witness. In such cases, employees may request vacation or personal leave. When an employee is required to serve on inquest or jury trial duty or is subpoenaed as a witness to appear before a court, administrative agency, public body or commission, the employee must promptly notify his/her supervisor. While on jury duty, a regular employee will receive full compensation, but shall remit to the City all fees received from the court, administrative agency, public body or commission for any jury duty lasting more than two weeks, excluding reimbursement for mileage.

13.4 Leave of Absence Without Pay

- a. Upon written request, and at the sole discretion of the City Manager or his/her designee, a leave of absence without pay may be granted to any employee for extraordinary reasons such as education, training (which will materially benefit City services), or personal reasons where other leave provisions are not available.
 1. Fifty percent (50%) of accumulated annual leave shall be used before the leave of absence without pay is granted. An employee, at their request, may choose to use more accumulated annual leave.
 2. Fifty percent (50%) of compensatory time off shall be used before the leave of absence without pay is granted. An employee, at their request, may choose to use more compensatory time off.
 3. Employees may choose to use annual or compensatory leave first.
- b. Any probationary employee on an unpaid leave of absence in excess of eighty hours following the exhaustion of any paid leave will have his/her probationary period extended, his/her date for progressive salary steps, his/her rate that annual leave is earned, and his/her date by which seniority is determined adjusted by the length of the entire leave of absence.
- c. A regular employee on an unpaid leave of absence following the exhaustion of any paid leave will retain full seniority and related benefits if such leave does not exceed ninety (90) days in any one year period. Such leaves in **excess of ninety (90) days in any one (1) year period** shall cause an adjustment in the date on which progressive salary steps occur, the rate that annual leave is earned, and the date by which seniority is determined, by the length of the entire leave of absence.
- d. Employees shall not accrue annual or sick leave while on an unpaid leave of absence except as annual, compensatory or sick leave is satisfied.

- e. Employees returning to work following a leave of absence shall retain their accumulated time, if otherwise not used.
- f. Upon return from an authorized leave of absence, the employee on leave shall be returned to the position he/she vacated or to a comparable position, if the former position is not available.
- g. All premiums under the City's health, dental, and vision insurance programs, union dues, and any other fees, charges and deductions shall be paid by the employee while on an unpaid leave of absence following the exhaustion of any paid leave. For the purposes of this section such leaves granted which do not exceed **eighty (80) hours in any one (1) year period** shall be considered de minimus and the City shall continue to pay said premiums.

13.5 Family Care and Medical Leave

The City shall comply with the requirement of the Federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) as amended from time to time.

a. Period of the Leave

- 1. Employees who have worked at least one (1) year, and for 1,250 hours over the previous twelve (12) months may take a maximum of twelve (12) weeks (480 work hours) per a twelve (12) month period, of unpaid, job-protected leave. A twelve (12) month period means a rolling twelve (12) month period measured backward from the date leave is taken and continuous with each additional leave day taken.
- 2. As with other unpaid leaves (see section above), if other leave provisions are available this leave will run concurrently with such other leaves.
 - A. An employee may at their request use accumulated sick leave, compensatory time off, or annual leave during the leave of absence.
 - B. Employees shall not accrue annual or sick leave while on an unpaid leave of absence except as annual, compensatory or sick leave is satisfied.
- 3. Parents who are both employed by the City of Galt 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.

b. Reasons for Leave

- 1. to care for the employee's child after birth, or placement for adoption or foster care;

2. to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
3. the employees' own serious health condition that makes the employee unable to perform the employee's job.

c. Notice and Leave Requests

1. The employee ordinarily must provide **thirty (30) days** advance notice when leave is "foreseeable". In unforeseeable situations, an employee should provide as much notice as is practical.
2. Requests for leave shall be submitted to the employee's Department Head for tentative approval, followed by review of The Human Resources Department for consistency with the law and final approval.

d. Medical Certification (forms available in The Human Resources Department)

- Medical certification to support a request for leave for a serious health condition of self or family member must be provided. The City may require second or third opinions (at the City's expense) and certification of fitness for duty to return to work.

e. Insurance Coverage

For the duration of the approved leave not to **exceed twelve (12) weeks**, the City shall continue to provide group health insurance under the same conditions as coverage would have been provided had they been continuously employed during the leave period.

f. Restoration Rights

Upon return from the approved leave, employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment in compliance with the law.

13.6 Pregnancy Disability Leave

Employees disabled due to pregnancy, childbirth or related medical conditions are entitled to Pregnancy Disability Leave (PDL) 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. 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.

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.

a. Leave Request Procedure

1. Notification must be given, where possible, **at least thirty (30) days** in advance of the leave by completing a leave of absence request form.
2. 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.

b. Medical Certification

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

c. Duration of Pregnancy Disability/Maternity Leave

1. The maximum length of pregnancy disability leave is four (4) months for each pregnancy.
2. 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.

d. Accommodation of Pregnancy-Related Disabilities

1. 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.
2. 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.
3. 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.

e. Compensation and Benefits during Leave

1. Pregnancy disability/maternity leaves are unpaid.
2. An employee may elect, however, to use Sick Leave, Vacation Leave, Administrative Leave, or Compensatory Time Off.
3. 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.
4. 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.
5. SDI benefits will be coordinated with any accrued paid leave benefits from the City.
6. Employees shall not accrue annual or sick leave while on an unpaid leave of absence except as annual, compensatory or sick leave is satisfied.
7. 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. Employees shall continue to pay their monthly portion of the health premium during pregnancy disability/maternity leave.

f. Return to Work

1. 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.
2. Upon return from an authorized pregnancy disability/maternity leave, the employee will be reinstated to her same position.
3. 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.
4. Acceptance of other employment during a pregnancy disability/maternity leave will be considered a voluntary resignation.

g. Lactation Breaks

1. Employees wishing to express breast milk for their infant child during their shift shall be permitted to do so during any authorized break.
2. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding fifteen minutes will be considered unpaid (Labor Code § 1030).
3. 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).
4. Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.
5. The City will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private.
6. 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).
7. 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.
8. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.
9. Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.
10. 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.

13.7 Temporary Transfers or Promotions during Leaves

This applies to all leaves outlined above.

In the event a probationary or permanent employee is transferred or promoted on a temporary basis for the duration of the leave, such appointment shall have no permanent effect on the status of the employee so promoted or transferred, and he or she shall be returned to his or her prior position and be entitled to all rights and privileges as though he or she had not been temporarily promoted or transferred.

13.8 Unauthorized Leave of Absence

Any employee who is absent for three (3) consecutive working days without being on sick leave, vacation leave, or authorized leave of absence shall be considered as having automatically and resigned his or her employment with the City. Nothing in this section shall limit the department supervisor's authority to discipline or dismiss an employee due to an unauthorized absence. A resignation processed pursuant to this Section will be conducted in accordance with applicable law.

13.9 Sick Leave

For the purposes of this section, eligibility includes all employees in the status of full time regular, full time at-will, and probationary.

- a. Employees shall be entitled to receive credit for sick leave on the first day of hire.
 1. Sick leave with pay shall be granted to an employee who is unable to perform his/her regular duties for the following reasons:
 2. Actual illness or injury of the employee;
 3. Medical or dental appointments of employee and employee's immediate family members when the employee's presence is required;
 4. Where the employee's medical attention to an immediate family member is required and the illness/injury does not meet the criteria of the California Family Rights Act (CFRA) or the Family Medical Leave Act (FMLA), the employee shall be granted a maximum of six (6) days of his/her accumulated sick leave in any one calendar year. Extenuating or unusual circumstances may be referred by department heads to the City Manager for consideration. Immediate family includes those persons defined in Section 3.18 of this Personnel Manual.
- b. The employee shall report sick leave prior to the start of his/ her work shift whenever possible and at least one half (½) hour after the start of the shift. Police Personnel will report sick prior to the start of their assigned shift. Exceptions to this rule may be considered at the management level.
- c. The Department Head after three (3) consecutive days of absence, may require a physician's certificate verification of fitness to return to duty after an extended absence due to illness or disability.
- d. Sick leave shall be accumulated at the rate of eight (8) hours per month. There is no limit on the accumulation of sick leave to be used for illness.
- e. In the event a regular employee terminates his/her employment with the City for any reason, he/she may choose to receive a lump sum payment of seventy-five percent (75%) of his/her accumulated sick leave, not to exceed four hundred eight (480) hours. The employee may choose to convert unused sick leave to retirement service credit as allowed

in the City's CalPERS safety and miscellaneous contracts. Should an employee choose the lump sum payment at retirement, only the additional hours remaining after the lump sum payment conversion will be reported to CalPERS to be used for service credit.

13.10 Vacation Leave and Accumulation

For the purposes of this section, employees include all the following as eligible: regular full time, full time at-will, and probationary. The City provides benefits to eligible employees to enable them to take paid time off for rest and recreation. The City believes this time is valuable for employees in order to enhance their productivity and to make their work experience with the City personally satisfying. The City also provides long-service employees with additional vacation benefits as years of service are accumulated.

All eligible employees shall accrue and take vacation benefits based on their continuous length of service, measured from the date of hire. "Continuous length of service" is defined as service that is uninterrupted by termination of employment.

The City shall respond to all annual leave requests within five (5) working days after the employee has submitted his/her request to the Department Head or supervisor.

All full time employees, except as provided in any applicable memorandum of understanding shall be subject to annual leave accrual rates and maximum accumulations as outlined below:

Years of Service	Hours Per Pay Period	Hours Annually	Maximum Accumulation (hours)
Less than four (4) years	3.0769	80	120
After four (4) years	4.6154	120	180
After twelve (12) years	6.1538	160	240
After nineteen (19) years	7.6923	200	300

Department Head employees with less than four (4) years service shall earn annual leave (subject to the same maximums as outlined above) at the rate of ten (10) hours per month (120 hours per year). After twelve years (12) the accrual rate will increase in accordance with the table above.

At the end of the payroll period in which the vacation leave accumulation reaches the stated limit, the employee's vacation leave shall cease accruing, and no further vacation shall accrue until the balance is reduced below the stated limit. When the City causes an employee to change vacation plans, the City Manager is authorized to approve an exception to the maximum accrual rate, as provided above. It is the employee's responsibility to seek the use of the vacation leave in a timely manner, so that the vacation accumulation will stay under the stated limit and continue accruing. Upon termination, an employee shall be paid for accrued and unused vacation time.

13.11 Holidays

Where holidays are addressed in an applicable memorandum of understanding (MOU), the provisions of the MOU shall control. Where not covered in an MOU, regular, full time at will, and probationary employees shall be entitled to the following holidays with pay:

- One Floating Holiday
- New Year's Day January 1
- Martin Luther King Day Third Monday in January
- President's Birthday Third Monday in February
- Cesar Chavez Day March 31
- Memorial Day Last Monday in May
- Independence Day Fourth of July
- Labor Day First Monday in September
- Veterans Day November 11
- Thanksgiving Day Fourth Thursday in November
- Day after Thanksgiving Day Fourth Friday of November
- Christmas Eve December 24
- Christmas December 25

Every day appointed by the President of the United States or the Governor of the State of California and the City Council for a public fast, thanksgiving or holiday.

Any day or part of day declared by the City Council, by resolution, to be a holiday.

When an employee gives adequate notice, the City will make reasonable accommodation for the employee to observe the Sabbath if it will not unduly interfere with City operations. Such release time may be charged to administrative leave, compensatory time off, vacation leave, or leave without pay at the discretion of the employee.

When a holiday falls on a Sunday, the following Monday shall be observed as a holiday. When a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday. When consecutive holidays occur and one or both days fall on a Saturday or Sunday, the provisions of this Section shall not have the effect of canceling one or more of the holidays.

An employee shall be granted holiday pay for the full scheduled shift, up to a maximum of nine (9) hours, for those holidays shown above except for the Floating Holiday. Those employees collecting disability benefits or on unpaid leave will be allowed holiday pay, based on the average number of hours in paid status (paid status meaning hours worked or hours paid as vacation, sick comp or admin pay) by the City on the workdays which immediately precede and succeed the holiday.

The floating holiday equates to eight (8) hours of floating holiday leave. Employees not using floating holiday leave by June 30 of the fiscal year shall forfeit the floating holiday for that fiscal year and will not receive any time off or payment in lieu of the floating holiday. If an employee requests to use the floating holiday at least thirty (30) days before the end of the fiscal year, and such request is denied, the employee and his/her supervisor will mutually decide upon an alternate date for use of the floating holiday within thirty (30) days of the denial of the request.

13.12 Bereavement Leave

For the purpose of this section, eligible employees are full time employees. In the event of death within the immediate family, as this term is defined in Section 3.18 of this Manual, a regular employee will be allowed a leave with pay for a period equivalent to three (3) normal work shifts to be used within sixty (60) days. Additional time off, to be charged to administrative leave, vacation leave, sick leave, or compensatory time off, may be granted upon approval of the City Manager.

13.13 Military Leave

The City shall provide to eligible employees, in accordance with both the California Military and Veterans Code, Section 395 et seq., and the Uniformed Services Employment and Reemployment Rights Act, 38 U.S. C. section 4301 et seq., a City employee may be entitled to the following rights pertaining to military leave. For additional information refer to the City’s Military Leave policy.

13.14 Paid Time Off for Part Time Employees

Paid Time Off (PTO) is intended to be used for time away from work including vacation, illness, personal business, medical appointments, family time, personal holidays, and may be taken in one-quarter hour (¼) increments.

Part time employees assigned to work in an authorized position are eligible to accrue and request the use of PTO. Part time employees shall begin earning PTO on their first work day of employment with the City. Employees are expected to maintain an appropriate balance of PTO for use in unexpected emergencies or in cases of serious illness or injury. Full time (regular, at-will and probationary) employees and temporary employees are not eligible for PTO.

Part time employees will accrue PTO per pay period based on the chart below. (NOTE: Employees working the maximum number of hours will earn eighty (80) hours PTO per year. This amount will be pro-rated according to chart below.)

Hrs Worked in Pay Period	PTO Hours Earned per Pay Period	PTO Hours Earned Annually
00-10	0.3846	10
11-20	0.7692	20
21-30	1.1538	30

Hrs Worked in Pay Period	PTO Hours Earned per Pay Period	PTO Hours Earned Annually
31-40	1.5385	40
41-50	1.9231	50
51-60	2.3077	60
61-70	2.6923	70
71+	3.0769	80

- a. Unplanned Absence - Employees may request the use of PTO for unplanned absences in the following circumstances:
1. Illness or injury of the employee
 2. Illness or injury of an employee's immediate family as defined in Section 3.18 of this Personnel Manual.
 3. Unforeseen emergency or circumstances necessitating the employee's absence from work.

Employees requesting unplanned PTO shall contact his/her supervisor prior to the start of the work shift whenever possible and at least within one half (½) hour after the start of the shift and complete and submit an Absence Request/Reporting Form according to department procedures. After three (3) consecutive days of absence, the City may require a physician's certificate verification of fitness to return to duty after an extended absence to determine the employee's ability to perform the essential functions of their position.

- b. Planned Absence - Employees shall request the use of PTO for a planned absence (not unplanned absence discussed above) by submitting an Absence Request/Reporting Form and only after receiving the approved form signed by the employee's supervisor.
- c. Payment of PTO - Employees on approved PTO (planned or unplanned) shall be paid at their regular rate of pay and the number of PTO hours used deducted from their PTO balance. Employees who separate from service shall be paid for accrued but unused PTO at separation.

13.15 Paid Sick Leave for Temporary Employees

In accordance with the Health Workplace Health Families Act of 2014, the City of Galt provides paid sick leave for all employees. Effective July 1, 2015, temporary employees shall accrue paid sick leave as provided for in AB 1522.

a. Entitlement

1. Any employee working on or after July 1, 2015, for thirty (30) or more days within a calendar year.
2. Paid sick leave accrues at the rate of one hour per every thirty (30) hours worked.
3. Paid at employees current rate of pay

4. Accrued paid sick leave will be carried over to the following year and is capped at 48 hours.
- b. Usage
1. Employees may begin using accrued sick leave on the ninetieth (90th) calendar day of employment.
 2. Sick leave may be used for the employee or a family member for the diagnosis, care, or treatment of a health condition or preventative care.
 3. Employees may also use accrued sick leave in some instances if they are a victim of domestic violence, sexual assault, or stalking.
 4. Employees shall not use more than 24 hours of paid sick leave per year.
- c. Termination
1. Unused paid sick leave is not paid out at time of termination.
 2. An employee rehired within one year of termination, shall have previously accrued and unused paid sick leave hours reinstated.
- d. Retaliation
1. The City of Galt prohibits retaliation against any employee using paid sick leave, filing a complaint or alleging a violation of their paid sick leave rights.

SECTION 14. DISCIPLINARY ACTIONS

14.1 Disciplinary Power

The City Manager, Department Heads, and mid-managers are vested with disciplinary power. The rules set forth below are intended to provide employees with fair notice of what is expected of them. Necessarily, however, such rules cannot identify every type of unacceptable conduct and performance. Therefore, employees should be aware that conduct not specifically listed below, but which adversely affects or is otherwise detrimental to the interest of the City, other employees, or the public, may result in disciplinary action.

14.2 Causes of Disciplinary Action

The following list of causes for disciplinary action is included in this Personnel Manual for illustrative purposes only. The publication of this list does not limit the causes for disciplinary action. The City may discipline an employee for any reason it deems sufficient. Grounds for disciplinary action include, but are not limited to, the following:

- a. Fraud or deceit in securing employment;

- b. Incompetence. As used herein, the term "incompetence" shall mean that the employee lacks adequate ability, knowledge, or fitness to perform duties within the scope of the employee's employment. "Fitness" is a physical or mental inability to perform the duties of a classification, and shall be applied in a manner consistent with local, state, and federal statutes, regulations, and case law with respect to employment of the handicapped. An employee who is incapable of performing the duties of the classification due to physical or mental handicap and who is terminated for such incapability shall be considered to have been released rather than to have been disciplined. Such released employee shall be considered to have left in good standing;
- c. Inefficiency in performance of work which results in a failure to properly perform duties required of an employee within his or her position;
- d. Inexcusable neglect of duty;
- e. Insubordination or insubordinate conduct;
- f. Dishonesty rationally related to employment;
- g. Unless authorized to do so, consuming or possessing an open container of, or being under the influence of, an alcoholic beverage, while on duty;
- h. Illegally using, consuming, injecting, possessing, being under the influence of, selling or offering for sale, while on duty, any controlled substance as that term is defined in the California Health and Safety Code;
- i. Addiction to the use of any "controlled substance," as that term is defined in the California Health and Safety Code;
- j. Inexcusable absence without leave;
- k. Failure to return from an authorized leave of absence;
- l. Use of sick leave in a manner inconsistent with this Personnel Manual;
- m. Conviction of a felony or conviction of a misdemeanor which is of such a nature as to adversely affect the employee's ability to perform the duties and responsibilities of his or her position. A plea of guilty or conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. Notwithstanding any further proceedings in the case or any appeal or appellate decision, a conviction shall be deemed to be complete upon the date the court imposes judgment and sentence;
- n. Discourteous treatment of any member of the public or fellow employee;

- o. Conduct unbecoming a City employee;
- p. Willful disobedience of a lawful rule, order, or direction;
- q. Negligence which causes damage to City or public property;
- r. Intentional misconduct which causes damage to City or public property;
- s. Unauthorized possession, use, or removal from City facilities, of City or public property;
- t. Any conduct rationally related to employment which impairs, disrupts or causes discredit to the employee's employment or the public service;
- u. Violation of the provisions set forth in this Personnel Manual;
- v. Habitual absence or tardiness;
- w. Failure to perform assigned work in an efficient manner;
- x. Being wasteful of materials, property or working time;
- y. Repeated garnishment of wages due to nonpayment of legally acquired debts;
- z. Violation of any of the provisions of the ordinances, resolutions or any rules, regulations or policies which may be prescribed by the City;
- aa. Acceptance from any source of a reward, gift or other form of remuneration in addition to regular compensation to any employee for the performance of his or her official duties;
- bb. Improper political activity. Example: Those campaigning for or espousing the election or non-election of any candidate in national, state, county or municipal elections while on duty and/or during working hours or in a City uniform on or off duty; or the dissemination of political material of any kind while on duty and/or during working hours or in uniform.
- cc. The refusal of any officer or employee of the City to testify under oath before any grand jury having jurisdiction over any then-pending cause of inquiry in which the investigation of government bribery or misconduct in City office is involved shall constitute of itself sufficient ground for the immediate discharge of such officer or employee, unless such refusal is based on rights conferred by the Fifth Amendment of the United States Constitution.

14.3 Definition of "Disciplinary Action"

The term "disciplinary action" as used in this Personnel Manual shall include:

- a. Written Reprimand
- b. Reduction in Pay: A reduction in pay, in an amount, and for a period of time, specified in the disciplinary action.
- c. Suspension: A temporary removal of an employee from the service of the City without pay for disciplinary purposes. A suspension of this type does not include suspension pending an investigation of alleged misconduct, or pursuant to Section 14.5 of this Manual.
- d. Demotion: The removal of an employee from a position to one of lower grade or classification when such employee is no longer able or willing to perform the duties of the previous position.
- e. Dismissal

14.4 Disciplinary Action

Whenever a disciplinary action is to be taken against an employee (except for oral or written reprimands, which require no notice except as specified in applicable law), the employee shall be notified in writing of the disciplinary action to be taken. Such written notification will include:

- a. Notice of Intent
 - 1. A statement of the disciplinary action to be taken against the employee;
 - 2. A factual summary of the grounds upon which the charges are based;
 - 3. The specific charges upon which the action is based, including references to Subsection 14.2 of this Manual where appropriate;
 - 4. Notice of the employee's right to be represented and to respond to the charges either orally or in writing to the appropriate authority;
- b. Response by Employee: The employee shall have the right to respond to the appropriate authority orally or in writing. The employee shall have a right to be represented at any meeting set by the appropriate authority to hear the employee's response. In cases of suspensions, demotion, reduction in pay or dismissal, a "Skelly Hearing" may be conducted by a designee of the City Manager. The hearing will be informal. The hearing officer will determine whether or not the meeting will be recorded. The hearing officer will be authorized to deny, modify, or sustain the proposed action. The employee's response will be considered before final action is taken.
- c. Final Notice: After the response or the expiration of the employee's time to respond to the notice of intent, the appropriate authority shall: (i) dismiss the notice of intent and take no disciplinary action against the employee, (ii) modify the intended disciplinary action, or (iii) prepare and serve upon the employee a final notice of disciplinary action. The final notice of disciplinary action shall include the following:

1. The disciplinary action taken;
2. The effective date of the disciplinary action;
3. Specific charges upon which the action is based;
4. A factual summary of the grounds upon which the charges are based;
5. The written materials, reports and documents upon which the disciplinary action is based; and
6. The employee's right to appeal, if any.

The written notice of disciplinary action may be personally served, or mailed to the employee by certified mail, return receipt requested, addressed to the last address which such employee has furnished to the personnel office. Service is deemed complete upon personal service, or on the date the certified mail is deposited in the mail.

14.5 Suspension Prior to Disciplinary Action or Dismissal

Prior to the effective date of any disciplinary action or dismissal, the City Manager or Department Head may suspend with pay the affected employee, if the City Manager or Department Head determines such suspension is necessary to protect the health, safety, and welfare of the residents or other employees of the City. The rights and benefits provided to an employee so suspended shall not otherwise be affected.

14.6 Disciplinary Appeals

- a. Any regular non-represented management, mid-management or professional/confidential employee may appeal the decision of the reviewing officer by filing an appeal advisory arbitration. Regular represented employees may appeal pursuant to the provisions of their MOU. Such appeal by a non-represented regular employee must be filed within five (5) working days after receipt of written notice of the listed disciplinary action; failure to file any appeals within such period constitutes a waiver of right to appeal. The appeal must be in writing and must specifically state the reasons upon which it is based.
- b. Selection of Arbitrator. An impartial arbitrator shall be selected jointly by the parties within ten (10) working days of receipt of the written demand. In the event the parties are unable to agree within the time stated, a list of seven (7) arbitrators shall be requested from the State Mediation and Conciliation Service. The parties shall alternately strike names and the remaining name shall be the arbitrator. The party to strike first shall be determined by lot.
- c. Decision: The decision of the arbitrator shall be submitted to the City Council. The Council may accept the decision in total, may modify the decision, or may reverse the decision. The determination by the Council shall be final and binding.

The arbitrator shall have no authority to add to, delete, or alter any provisions of this Personnel Manual, but shall limit his or her decision to the interpretation, application, enforcement, or the intent of the terms or provisions of this Personnel Manual.

- d. Costs: The fees and expenses of the arbitrator shall be shared equally by the parties.
- e. Witnesses: The City agrees that employees shall not suffer loss of compensation for time spent as a witness at an arbitration hearing held pursuant to this appeal. The number of employees required to be a witness at an arbitration hearing shall be limited to one (1) at a time off of work with prior notification of the employee's supervisor when two or more such employee witnesses are from the same department and are both on duty at the same time. Adequate time shall be allowed for one employee to return to his or her duty assignment before another employee shall be released to attend the hearing.
- f. In disciplinary matters where the City Manager is imposing a disciplinary action on an subordinate employee who he/she directly supervises and who has regular status, the appeal resulting from the action shall be conducted pursuant to this Section by the City Council or by someone appointed by the City Council who is competent to act as a hearing officer. The procedure shall follow that described in sections b. - e., above.

14.7 Effect of Dismissal

Except as may be otherwise required by law, and excluding group insurance premiums already paid, upon the effective date of dismissal, the City shall cease to provide any benefits for the employee.

SECTION 15. GRIEVANCES

15.1 Purpose of Grievance Procedure

The grievance procedures set forth herein are designed to resolve grievances informally and to provide an orderly procedure for such resolution. Regular non-represented management, mid-management or professional/confidential employees may file a grievance, and, if necessary, resolve the grievance by appealing the decision of the reviewing officer by filing an appeal pursuant to binding arbitration. Regular represented employees may file a grievance pursuant to the provisions of their MOU.

15.2 Grievance

A grievance is an alleged violation, misinterpretation or misapplication of a specific written departmental or City rule or regulation pertaining to wages, hours or working conditions, except

however, that matters which can be appealed under the provisions of the Policy Against Harassment, or Section 14.6, Disciplinary Appeals, are not covered by the grievance procedure.

The grievance procedure is not intended to be used for the purpose of submitting requests for changes in wages, hours and working conditions; to challenge the content of employer evaluation or performance reviews; to challenge a reclassification, layoff, transfer, or denial of reinstatement.

15.3 Grievant

The grievance procedure is available only to regular employees or groups of regular employees adversely affected by an act or omission of the employer.

15.4 Time Limits

An employee shall present the grievance within ten (10) working days after the employee knew, or in the exercise of reasonable diligence, should have known, of the events giving rise to the grievance. Any grievance filed more than ten (10) working days from the date the employee knew of, or should have known of, the act or omission giving rise to the incident shall be rejected. By mutual consent of the parties, the grievance time lines set forth herein may be extended.

15.5 Presentation of Grievance

An employee may present a grievance while on duty, provided such use of on-duty time is kept to a reasonable minimum as determined by the City Manager. The written grievance shall set forth the specific factual and other bases for the employee's complaint and shall identify the rule or issue allegedly being violated by the City.

15.6 Grievance Procedure/First Step

Initially, a grievance shall be personally discussed between the employee and his or her immediate supervisor. The employee shall have a decision or response from the immediate supervisor within **ten (10) working days** from the filing of the grievance.

15.7 Grievance Procedure/Second Step

- a. If a grievance is not resolved at Step One to the satisfaction of the grievant, the grievant may appeal the grievance to the Department Head (unless the Department Head is his or her immediate supervisor, in which event the grievance shall be to the City Manager). The Step Two grievance shall be initiated within fifteen (15) working days of the decision rendered at Step One of the grievance procedure. A formal written grievance shall state the date and nature of the grievance, and shall state all specific facts or omissions upon which the grievance is based. The formal grievance shall be filed with the Department Head.

- b. Within ten (10) working days after the filing of the Step Two grievance, the Department Head shall give his or her decision in writing to the grievant.

15.8 Grievance Procedure/Third Step

If the grievant is not satisfied with the decision rendered by the Department Head, the grievant may appeal the decision in writing within five (5) working days to the City Manager. The appeal shall state the date and nature of the grievance, and shall state all specific facts or omissions upon which the appeal is based.

In grievances where the second step involves taking the grievance to the City Manager, the third step (appeal) shall be waived.

15.9 Consideration of Appeal

Within ten (10) working days of hearing the appeal, the City Manager (or designee, in cases where the second step involves taking the grievance to the City Manager) shall issue a written decision concerning the employee's appeal.

15.10 Representation

The employee may request the assistance of another person of his or her own choosing in preparing and presenting his or her grievance at any level of review.

15.11 Grievance Procedure/Fourth Step

If the City representative fails to respond in writing, or if the response is not satisfactory to the grievant, the grievant shall have the right to refer the matter to advisory arbitration. Such referral shall be made by written demand submitted to the City representative within thirty (30) working days of the receipt of his/her decision.

- a. Selection of Arbitrator. An impartial arbitrator shall be selected jointly by the parties within ten (10) working days of receipt of the written demand.
- b. In the event the parties are unable to agree within the time stated, a list of seven (7) arbitrators shall be requested from the State Mediation and Conciliation Service. The parties shall alternately strike names and the remaining name shall be the arbitrator. The party to strike first shall be determined by lot.
- c. Decision: The decision of the arbitrator shall be submitted to the City Council. The City Council may accept the decision in total, may modify the decision, or may reverse the decision. The determination by the Council shall be final and binding.

The arbitrator shall have no authority to add to, delete, or alter any provisions of this Personnel Manual, but shall limit his/her decision to the interpretation, application, enforcement, or the intent of the terms or provisions of this Personnel Manual.

- d. **Costs:** The fees and expenses of the arbitrator shall be shared equally by the parties.
- e. **Witnesses:** The City agrees that employees shall not suffer loss of compensation for time spent as a witness at an arbitration hearing held pursuant to this Personnel Manual. The number of employees required to be a witness at an arbitration hearing shall be limited to one at a time off of work with prior notification of the employee's supervisor when two or more such employee witnesses are from the same department and are both on duty at the same time. Adequate time shall be allowed for one employee to return to his/her duty assignment before another employee shall be released to attend the hearing.

SECTION 16. INSPECTIONS FOR CITY PROPERTY

16.1 Purpose

The City intends to protect against the unauthorized removal of City property. In addition, the City intends to assure its access at all times to City premises and City property, records, documents, and files. Accordingly, the City has established this Section of the Personnel Manual concerning inspections and searches for City property on City premises.

16.2 Definitions

For purposes of this Section:

- a. "City property" includes all documents, records, and files relating to the City's business; and all equipment, vehicles, and other property of any kind, whether owned, leased, rented, or used by the City.
- b. "City premises" includes all premises and locations owned or leased by the City or under the control of the City, including parking lots, lockers, and storage areas.
- c. "Reasonable suspicion" includes a suspicion that is based on specific personal observations such as an employee's manner, disposition, appearance, or behavior; information provided to management by an employee, by law enforcement officials, by a security service, or by other persons believed to be reliable; or a suspicion that is based on other surrounding circumstances.

16.3 Inspections and Searches

- a. In order to assure access at all times to City property, the City reserves the right to conduct an inspection or search at any time of City property, subject to applicable laws and City ordinances and policies relating to confidentiality of personal, medical, and similar records.
- b. Searches or inspections may include an employee's office, desk, file cabinet, closet, employee locker or City vehicle used by employee, or similar places where employees may place City property, whether or not the places are locked.
- c. Because a search for City property might result in the discovery of any employee's personal possessions, all employees are encouraged to refrain from bringing into the workplace any item of personal property which they do not wish to reveal.
- d. Inspections or searches for City property in or on City premises will be conducted whenever the City has reasonable suspicion to believe that a particular employee (or employees) may be in unauthorized possession of City property in violation of this section, as well as when property may be needed in the ordinary conduct of the City's business.
- e. Inspections or searches may be conducted by an independent security service or by the City with its own personnel. In all cases, the search must be approved by the City Manager and a member of management shall be present.
- f. In cases where the employee is not present for the inspection or search of the employee's personal office, desk, locker, file cabinet, closet, or similar place where the employee may place City property, a second member of management should be requested to serve as an observer whenever practicable, except for searches for City property that may be needed in the ordinary conduct of the City's business.
- g. All employees will cooperate in inspections and searches. In cases where the City has reasonable suspicion that a particular employee (or employees) may be in unauthorized possession of City property, the City will attempt to use management and/or supervisory employees to conduct the inspection or search. No rank and file employee will be used unreasonably.
- h. Where the City conducts a search of an employee's locker because the City has reasonable suspicion that the employee may be in unauthorized possession of City property, the City will permit another employee to be present at the request of the affected employee.
- i. Employees who refuse to cooperate during an inspection or search will not be forcibly detained or searched. They will be informed, however, that the City will base any disciplinary decision on the information that is available, including their refusal to consent to the search as well as the information that gave rise to a reasonable suspicion that the employee was in unauthorized possession of City property, if applicable, and that their failure or refusal to cooperate could deprive the City of information that may clear them of

suspicion. In addition, the City reserves the right to take appropriate action to prevent the unauthorized removal from City premises of City property.

16.4 Approvals for Inspections

In instances in which an inspection or search is conducted because of the City's need for some document, record, file, or other item of City property that is believed to be in the possession of an employee who is not available, approval by the City Manager for the inspection or search is necessary.

16.5 Disciplinary Action

- a. Employees who are found to be in violation of this Section in this Manual will be subject to discipline, up to and including discharge, regardless of the City's reason for conducting the search or inspection.
- b. If an employee refuses to cooperate with and impedes a search or inspection that is based on reasonable suspicion, the City may take that refusal into consideration in determining appropriate disciplinary action. Discipline will be based on all available information, including the information giving rise to the reasonable suspicion. It is therefore to the employee's advantage to cooperate with the search or inspection.

SECTION 17. DRUG-FREE WORKPLACE

Please refer to the City's Substance Abuse Policy

SECTION 18. MISCELLANEOUS

18.1 Amendments

These rules and regulations may be amended at any time by the City; provided, however, that amendments shall not be made until after consultation in good faith with representatives of recognized employee organization or organizations representing employees of the City. Where the City is required to meet and confer under the law due to the nature of the issue, the City shall meet and confer with recognized employee organizations representing employees of the City.

18.2 Severability

If any paragraph, sentence, clause, phrase, or section of this Personnel Manual is determined by a court of competent jurisdiction to be invalid, such determination shall not affect the validity of the remaining paragraphs, sentences, clauses, phrases, or sections of these rules and regulations.