

City of Rio Vista



Amended Personnel Rules and Regulations

Amended by Council Action: Resolution 2013-020 on April 18, 2013
~~Resolution 2002-029 April 18, 2002~~

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RULE I DEFINITION OF TERMS

1. Candidate: A person participating in an examination given by the City or otherwise being considered for employment.
2. Certification: Endorsement as meeting required minimum standards for a vacant position.
3. City Manager: The City Manager shall be the appointing authority for all positions in the City service, except elective officials and those appointed by the City Council. The City Manager may delegate any of the powers and duties conferred upon him under the personnel rules and regulations to any other officer or employee of the City or may recommend that such powers and duties be performed under contract.
4. Class: All positions sufficiently similar in duties, authority, and responsibility, to permit grouping under a common title in the application with equity of common standards of selection, transfer, demotion and salary.
5. Class Series: A grouping of classes that are in a promotional progression through which employees may move based on additional experience or education.
6. Class Specification: A written description of a class consisting of a class title, a general statement of the level of work and the distinguishing features of work, examples of duties, and the desirable qualifications for the class.
7. Classification: The act of grouping positions with regard to (1) duties and responsibilities, (2) requirements as to experience, education, knowledge, skill, and ability, (3) tests of fitness, and (4) wages of pay.
8. Classified General Employee: A Non-Safety City employee in the classified service.
9. Classified Safety Employee: Those employees holding sworn officer positions in either the police or fire service.
10. Classified Service: All positions in the City service except the City Manager, his assistant and all designated City department heads.
11. Compensation: Rates of pay that have been established for the respective classes of work set forth in the compensation plan.
12. Compensation Plan: The official schedule of pay approved by the City Council assigning one or more rates of pay to each class title.

13. Employee: An individual who is legally employed as a regular full-time employee by the City and is compensated through the City payroll for his services. Individuals or groups compensated on a contract or fee basis are not included.
14. Exempt Positions: Those positions within the City service which meet the test under the Fair Labor Standards Act and its Amendments as qualifying for exemption from overtime and are considered salaried employees. The City Manager shall maintain a listing of these classes as part of the compensation plan.
15. Immediate Family: Immediate Family is defined as wife, husband, domestic partner, son, daughter, mother, father, brother, or sister of employee, parent of a spouse or domestic partner and close blood relatives or close relatives living in the employee's household.
16. Part-Time Service: Personnel employed in the service of the City throughout the year working less than forty (40) hours per week.
17. (Step) Pay Increases: An increase in compensation established in the compensation plan which may be granted to an employee for meritorious service and completion of minimal prescribed periods of employment in the class.
18. Pay Range: One or more, but commonly five (5) specific pay rates having a percentage relationship to one another, assigned to a class of positions as the compensation for that class.
19. Pay Step: One of the five (5) levels of pay within a prescribed pay range.
20. Position: A group of duties and responsibilities assigned by competent authority to be performed by one employee. The term "position" refers to work to be done and does not refer to the employee doing the work.
21. Probationary Period: A working test period during which a member is required to demonstrate his fitness for the duties to which he is appointed by actual duties of the position.
22. Promotion: The movement of an employee from one class to another class having a higher maximum rate of pay.
23. Reinstatement: The re-employment, without examination, of a former permanent employee.
24. Seasonal Service: Recreational and other personnel employed in the service of the City a specific length of time to complete a specific assignment or provide a service.
25. Sexual Harassment: Unwelcome sexual advances, request for sexual favors and all other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a) Submission to sexual conduct is an explicit or implicit term or condition of an individual's employment;
- b) Submission to or rejection of sexual conduct by an individual is the basis for any employment decision affecting that individual; or,
- c) When sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature have the purpose or effect of unreasonably interfering with an individual's work performance or create an intimidating, hostile, or offensive working environment.

RULE II

GENERAL PROVISIONS

1. Purpose: These rules set forth procedures intended to assure similar treatment for those who compete for original and promotional employment and define obligations, rights, privileges, benefits and prohibitions which are placed upon all employees in the classified service of the City. The rules of behavior set forth herein shall be applicable to all employees of the City whether or not they are included in the classified service.

It is hereby declared Personnel Policy of the City of Rio Vista that:

- a. Employment and promotion by the City of Rio Vista shall be based on merit and fitness free of personal and political considerations and in no way shall be discriminatory because of race, color, religious creed, sex, age, national origin, ancestry, handicap or marital status.
 - b. No questions on any test or any application form or by any appointive authority shall be so phrased as to attempt to elicit information concerning race, color, ancestry, national origin, religious creed, age, marital status or political opinions or affiliations from the applicant.
 - c. Tenure of employees covered by these rules and regulations shall be subject to good behavior, satisfactory work performance necessary for the performance and availability of funds.
2. Administration: These rules shall be administered in conformity with the authorization establishing a personnel system.
 3. Fair Employment: No question in any test, or in any application for, or by any appointing authority, shall be so framed as to attempt to illicit information concerning race, color, religion, national origin, ancestry, marital status, sex, age, physical (including ARC and/or HIV positive and cancer) or mental disability, sexual orientation, political or religious opinions or affiliations of an applicant. No appointment to, removal from a position nor training received in the competitive service shall be affected or influenced in any manner by any consideration of race, color, religion, national origin, ancestry, marital status, sex, age, physical (including ARC and/or HIV positive and cancer) or mental disability, sexual orientation, political or religious opinions or affiliations.
 4. Violation of Rules: Violation of the provisions of these rules shall be grounds for reprimand, discipline, rejection, suspension, demotion or discharge.
 5. Amendment and Revision of Rules: Amendments and revisions may be proposed in writing to the City Council by interested parties and shall be submitted to the City

Council through the City Manager. Proposed amendments or revisions to these rules shall be publicly posted for at least five (5) consecutive days prior to consideration by the City Council. At the time of consideration, any interested party may appear and be heard. Amendments and revisions shall become effective upon adoption by the City Council.

6. Departmental Rules and Regulations: These rules do not preclude individual City Departments from developing and administering supplemental rules and regulations as long as they do not conflict with these rules or other Council Resolutions and Ordinances. In case of dispute not pre-empted by law, these rules prevail.
7. Nepotism: It is the policy of the City of Rio Vista not to discriminate in its employment and personnel actions with respect to its employees, and applicants on the basis of family relations. No employee, prospective employee, or applicant shall be improperly denied employment or benefits of employment on the basis of his or her family relationships. This policy shall also apply to the selection of persons for training programs leading to employment.

For the purpose of this policy, relatives are defined as follows: a person's mother, father, brother, sister, partner, children, parent of spouse or partner, grandmother, grandfather, grandchild, mother and father-in-law, brother and sister-in-law.

Notwithstanding the above provisions, the City of Rio Vista retains the right:

- a) To refuse to place one relative under direct supervision of another relative where such has the potential for creating an adverse impact of supervision, safety, security or morale.
 - b) To refuse to place both relatives in the same department, division, or facility where such has the potential for creating an adverse impact on supervision, safety, security or morale, or involves potential conflicts of interest.
8. Vehicle Use Policy: It is the policy of the City of Rio Vista that municipal vehicles be used for work related purposes by employees holding a valid California Operator's License.

The following employees are authorized to park a municipal vehicle at their residence for "ON CALL" purposes: City Manager, Chief of Police, Police Lieutenant, Police Sergeant, Public Works Superintendent, Director of Public Works, and Building Inspector. Designees may park a vehicle at their home in the absence of their supervisor.

"ON CALL" or standby employees are authorized to use municipal vehicles; however, the vehicle must remain within the Rio Vista city limits or surrounding area as approved by the City Manager.

The Fire Chief and designated fire personnel are authorized to operate fire vehicles in

accordance with the fire emergency and business needs of the City and Delta District. At all times fire personnel, authorized by the Chief are “ON CALL” status for purposes of this policy.

9. Hours of work/Basis for overtime payment: The work week for classified personnel, excluding Public Safety personnel, shall consist of seven consecutive twenty-four hour periods, beginning at 12:01 a.m. on Saturday and ending on the following Friday at 12:00 midnight.
10. Outside Employment: Any classified employee desiring to engage in any outside employment or business venture shall first obtain non-city conflict approval from his/her department head. The employee shall submit a statement to the department head on a standard City form, naming the prospective employer or business activity, the address and phone number of the business and outline the duties or nature of the business and hours of work.

Approval may be denied if the department head determines such outside employment is incompatible with the proper discharge of the employee’s official duties. All such approvals shall be subject to review by the City Manager and shall be resubmitted annually in January of each year to maintain a valid, continuous authorization.

Outside employment shall also conform to the following:

Employees may engage in outside employment (including self-employment) with the written consent of the City Manager in addition to their City employment, only under the following conditions:

There shall be no conflict of interest or incompatibility with the employee's City employment.

The time involved in outside employment shall not adversely affect the employee’s attitude or efficiency in his or her City employment. Unless authorized by the City Manager, part-time work shall not be performed within three (3) hours preceding the employee's normal duty hours with the City of Rio Vista.

No telephone calls or personal contacts concerning the outside employment shall be made during the hours of City employment. The employee shall not conduct or promote in any manner, his/her part-time work while on duty, nor use any of the facilities of the City for that purpose.

Each employee shall report all outside employment to the City Manager and shall secure written approval prior to the commencement of outside employment. This report shall outline the nature of the part-time work, name of employer and whether it is to be long or short-term work.

Employees engaged in outside employment shall not expect or request special consideration as to shift arrangement, illness, or injury due to that outside work. In the event of illness or injury occurring while engaged in outside employment, a doctor's examination may be requested by the City before allowing the employee to resume City duties. Outside employment shall not be engaged in when an employee is off ill and cannot perform his or her duties for the City or when the employee is receiving Workers' Compensation benefits as a result of a claim made against the City's Workers' Compensation insurance.

11. Political Activity: The political activity of City employees shall be governed by the appropriate provisions of the government, provided that:
 - a. No employee shall participate in political activities while in uniform.
 - b. Employees shall not engage in political activities during work hours.
 - c. Employees shall not conduct any political activities on the premises of any City building or work site.

**RULE III
CITY COUNCIL**

The City Council in reference to personnel matters, shall have the following functions:

1. To hold hearings to consider additions, revisions, deletions and amendments to these Rules and Regulations.
2. To hold hearings to review adoption or revision of the Position Classification Plan and Compensation Plan including the salary schedule.
3. To approve such competent expert advice and assistance as may be needed in making special studies, surveys, and other research relevant to the administration of classified personnel.

RULE IV CLASSIFICATION

1. Purpose of Classification Plan: The Classification Plan provides an inventory of positions in the City service and description specifications for each class of employment. The plan standardizes titles, each of which is indicative of duties and responsibilities and has the same meaning throughout the classified service.
2. Administration of the Classification Plan: The City Manager shall administer and maintain the Classification Plan with all amendments or revisions to the plan subject to approval of the City Council. The plan shall be so maintained that all positions substantially similar with respect to duties, responsibility, authority and character of work are included in the same class. The City Council shall hold a hearing regarding the adoption or revision of the Position Classification Plan.
3. New Positions: When a new position is created, before the same may be filled, the City Manager shall review or have reviewed the duties, responsibilities and authority to be assigned the position for purposes of class allocation. Except as otherwise provided by Ordinance or these Rules, no person shall be appointed or employed to fill any such position until the classification plan shall have been amended to provide therefore and an appropriate employment list established for such position. Such amendment to the Classification Plan shall be approved by the City Council.
4. Reclassification: Positions, the duties of which have changed materially so as to necessitate reclassification, shall be allocated by the City Manager to a more appropriate class, whether new or already created. Reclassifications shall not be used for the purpose of avoiding restrictions concerning demotions and promotions.

RULE V COMPENSATION

1. Preparation: City Manager shall be responsible for the development and maintenance of a uniform and equitable Salary Plan, which shall include the range of salary rates for each position in the classified service. Salary ranges shall be related directly to the position classification plan and shall be determined with due regard to ranges of pay for other classes, qualifications, prevailing rates of pay; and consideration of working conditions of comparable work in other public and private employment, to current costs of living, to suggestions of the Department Heads, maintenance or other fringe benefits received by employees, to the City's financial condition and policies, and to other relevant factors. Comparisons shall consider areas of similarity insofar as reasonable.
2. Adoption of the Plan: A Salary Plan shall be adopted and may be amended from time to time by action of the City Council on recommendation from the City Manager. Notice of City Council consideration of the proposed compensation plan, amendments or revisions, shall be publicly posted at least five days prior to Council action. Thereafter, no position shall be assigned a salary not in conformance with the salary schedule unless the salary schedule for the class is amended in the same manner as herein provided for adoption.
3. Appointment Rate: All newly hired or promoted full and part-time employees beginning at the minimum salary step of a given salary range are eligible to receive salary increases based upon acceptable performance as recommended by the Department Head and approved by the City Manager in accordance with the salary steps and time periods specified below:

<u>Salary Step</u>	<u>Eligibility for Salary Increase</u>
A	Hiring
B	After one (1) year of full/part time employment
C	After two (2) years of full/part-time employment
D	After three (3) years of full/part-time employment
E	After four (4) years of full/part-time employment

Salary increases specified above shall become effective on the first of the month nearest to employee's years of service anniversary date. A meritorious advancement to a higher step within a classification may be approved by the City Manager upon recommendation of the department head. All such increases shall be subject to annual review as a budgeting consideration.

A recommendation for an employee to commence employment at above the first step may be made approved by the City Manager upon recommendation of the Department Head that such action is in the best interests of the City.

When any employee is reinstated to a position in a class in which that employee was previously employed, the City Manager may approve a higher rate than the first step to be paid.

Longevity: A 5% longevity step increase will be granted after each ten year period of service. The longevity step increase will be included as part of the base pay for the computation of overtime, holiday pay and vacation pay.

4. Pay Advancement within assigned Salary Ranges: Pay advancement within assigned salary ranges shall be based on the satisfactory performance record of individual employees and at no time should be considered automatic. Prior to the years of service anniversary date, the Department Head shall review the performance record of the employee under consideration and based upon this review, forward a recommendation of approval or denial to the City Manager, which shall be placed in the employee's personnel file. In the case of denial, the affected employee shall not be eligible for further pay increase consideration for a period of ninety (90) days. At that time, the employee's performance record must be reviewed by the City Manager. Following the ninety (90) day performance review, one of the four following actions shall be taken:
 - a) The step increase may be granted;
 - b) The employee may remain at the same rate of pay with no eligibility for step increase until his next years of service anniversary date;
 - c) The employee may be discharged for unsatisfactory service;
 - d) The employee be assigned to a more suitable position;

Under unusual circumstances, an employee may be advanced by one or more steps upon recommendation of the Department Head and approval City Manager.

5. Pay Adjustments in Promotion, Demotion, or Transfer: When an employee is promoted, demoted or transferred, that employee's rate of pay shall be established in accordance with the following subsections:
 - a) Promotion. When an employee is promoted, that employee's salary shall be advanced to the step in the new pay range which provides at least the equivalent of the next step increase in the range from which the employee was promoted.
 - b) Demotion. When an employee is demoted voluntarily, that employee's salary shall be set at the step in the new pay range which provides the smallest decrease in pay. When an employee is demoted for cause, that employee's salary shall be set at a lower step in the new pay range as recommended by the Department Head and approved by the City Manager.

- c) Transfer. When an employee is transferred (as defined herein), that employee's salary shall remain at the same step and rate of pay.

All actions involving changes in the rate of pay shall be subject to the written approval of the City Manager, which shall be retained in the employee's personnel file.

6. Pay for Temporary and Part-time Work: Designated temporary and part-time (less than forty (40) hours per week on a regular schedule) employee's shall be paid on an hourly basis. Such employee's shall be paid straight time for all hours worked at the rate prescribed in the current pay plan. Benefits, other than Worker's Compensation, which are provided for permanent full-time employees, shall not be provided by the City to temporary or part-time employees unless otherwise stipulated in formal policy or agreements approved by the City Council, or as required in Federal or State Law.
7. Overtime: All hours which are worked by a classified general employee in excess of their normal, approved weekly working schedule shall be considered to be overtime.

To be authorized for payment overtime must be approved in advance by the respective Department Head, or in the case of unusual circumstances when prior approval for overtime is impractical, authorization for overtime credit shall be sought no later than the end of the following work day. In the absence of the Department Head all requests for overtime shall be directed to his/her designee.

All overtime shall be calculated at the rate of one and one half times the hourly rate of the employee. Overtime shall commence upon completion of 40 hours worked in a 7 day work period. An alternate work schedule may be adopted with the approval of the City Manager and the Department Head.

For classified safety employees the schedule and eligibility for overtime shall be established by the department head and approved by the City Manager in conformance with the provisions of section 7K of the Fair Labor Standards Act.

Compensatory time off may be given in lieu of overtime pay; however, no more than 20 hours of actual time worked may be accrued and available for use by classified employee. Twenty (20) hours of actual work equates to thirty hours of compensatory time off. A request for compensatory time off shall be honored by the Department Head unless it would be disruptive to the department operations. Payments for accrued compensatory time off may be made at any time and shall be paid at regular rate earned by the employee at the time the employee receives such payment.

Department Heads are authorized ten (10) days administrative leave per calendar year for extra work performed. Other management, confidential and supervisory personnel exempt from the Fair Labor Standard Act shall be authorized five (5) days of Administrative Leave per calendar year for extra work performed. Administrative leave is not accumulative but

may be taken after notifying the Department Head or City Manager.

8. Call Out Pay: Any time a classified employee, who is not on standby, and has left City facilities for more than a 15 minute period is called back at a time other than his/her regularly assigned shift, the employee will receive a minimum of two hours pay at time and one-half the employee's base pay.

A classified employee who is held over on a shift shall be compensated for actual time spent. This shall include classified employees who have not been gone from City facilities for more than fifteen (15) minutes.

A classified employee beginning an overtime period within two (2) hours or less prior to her or his regularly scheduled duty reporting time, will be compensated from the time the overtime period begins to the time she or he is scheduled to report for duty.

9. Standby Compensation: Compensation for all classified employees assigned standby service shall be compensated \$50.00 per 24 hours. Employees responding to a work situation shall be compensated for actual hours worked.
10. Travel And Other Official Expenses: The regular salary which is received by an employee shall not include allowances for travel, reimbursement, mileage or other expenses incurred as a result of approved official business. Employees shall be reimbursed for all such expenses if approved by the City Manager in accordance with established City Policy.
11. Health Insurance For Retirees And Elected Officials: All full time City employees who retire with fifteen (15) years of continuous service shall receive one year of fully paid City retiree health, dental, and eye care coverage. If, during such time, the retiree becomes eligible for Medicare, these benefits shall be integrated into said Medicare plan. After said one year period, said retired full time City employee shall be permitted to participate in the City health, dental and eye care program, provided, however, that said retiree pay his or her entire premium, and that if eligible for Medicare that said benefits be integrated into said Medicare plan.

The minimum retirement age for the reception of City retiree health, dental, and eye care benefits shall be age 50 for safety employees and age 55 for miscellaneous employees, and all full time City employees who chose to retire without fifteen (15) years of continuous service shall be permitted to participate in the City health, dental, eye care programs upon payment by said retiree of his or her entire premium, with the integration of said benefits into a Medicare plan at such time as said retiree becomes eligible for Medicare.

Any elected official of the City of Rio Vista, may during his or her term of office, participate in the City health, dental, and eye care programs upon payment by said official of the entire premium. Further, if said official is or should become eligible for Medicare during his or her term of office and chooses to participate in the City health, dental and eye care programs, said benefits shall be integrated into said Medicare Plan. Any elected official of the City shall be

allowed to continue to participate in the City health insurance programs after expiration of said official's term of office subject to the following conditions:

- a) The elected official must be participating in the specific City health insurance programs at the time he or she leaves office;
- b) Said official must have served a full term of office; and,
- c) He or she must pay all applicable premiums in advance. If an elected official who has chosen to continue to so participate and has satisfied the conditions set forth above, is or should become eligible for Medicare during his or her participation in the City health insurance programs, said benefits will be integrated into said Medicare Plan.

12. Workboots: The City Manager shall designate which classes are eligible to receive one set of safety boots per year with the cost thereof not to exceed \$200.00 per pair. Each employee shall provide the Finance Department a cash receipt for boot purchase.

13. PERS Retirement Contribution: That all full-time employees, Department Heads, and the City Manager shall have their individual Public Employee Retirement System Employee Contribution paid by the City of Rio Vista and vested in such employee,

14. Uniform Allowance: The sworn law enforcement personnel, as designated by the City Manager, shall receive a uniform allowance to maintain and/or purchase police uniforms. The fire service personnel, as designated by the City Manager, shall receive a uniform allowance to maintain and purchase fire uniforms. The Accountant I/II, Administrative Assistant, Senior Account Clerk, Account Clerk I/II and Police Records Technician shall receive a uniform allowance; however, as those existing employees leave City service, new hires shall not receive this benefit.

A. The uniform allowance shall be paid by the City at the rate of \$500.00 per employee for the fiscal year, as provided below:

1. The uniform allowance shall be paid annually during the first pay period in December for all eligible employees.
2. New employees may receive 50% of the first year allowance in advance. Should a new employee leave employment with the City prior to completion of one (1) year, the advanced clothing allowance shall be reimbursed to the City.
3. If an employee terminates his or her employment with the City prior to the payment of the allowance, he/she shall not receive the clothing allowance.
4. The Detective/Investigator classification is eligible for the clothing allowance.

B. Effective July 1, 2002, the clothing allowance for all police officer classifications and

all firefighter classifications shall be paid by the City at the rate of \$750.00 under provisions A 1-4 above.

(Amended October 8, 2002, Resolution 02-73)

15. Protective Vests: Police Officers (excluding Chief of Police and Matron), be provided protective vests or in the alternative, the City shall reimburse those officers who presently own such a vest. The City shall retain ownership of the vests and the Chief of Police shall establish guidelines for wearing protective vests on duty.
16. Life Insurance: The Life Insurance, Health, Dental and Vision Care and a \$25,000 Accidental Death and Dismemberment Term Life Insurance Program shall be adopted for all full-time employees, Department Heads, the City Manager, Retirees and Elected Officials, effective August 1, 1996.
17. Uniforms: Uniform jackets, pants and shirts will be provided for all Public Works employees. Uniform jacket and shirts will be provided for the Transit Driver. Coveralls will be provided to employees when it is determined there is a work related need.
18. Hours of Work/Basis of Overtime Payment: Commencing April 18th, 1986, at 12:01 am., the work week for classified personnel, excluding law enforcement personnel, shall consist of 7 consecutive 24 hour periods.
19. Small Fire Protection Agencies: In accordance with Section 13(b) (20) of the Fair Labor Standards Act and its amendments, the City of Rio Vista hereby declares itself exempt from the payment of overtime, call out pay, and standby compensation to fire protection personnel.

RULE VI APPLICATIONS AND APPLICANTS

1. Announcement: All examinations for classes in the competitive service shall be publicized by posting announcements in the City Hall on official bulletin boards and by such other methods as the City Manager deems appropriate. Special recruiting shall be conducted, if necessary, to insure that all segments of the community are aware of the forthcoming examinations. 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 applications; and other pertinent information.
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, references and finger printing. All applications must be signed by the person applying.
3. Disqualification: The City Manager may reject any application which indicates on its face that the applicant does not possess the minimum approved qualifications required for the position or fraud in any application which has been submitted by the applicant to the City.

Whenever an application is rejected, notice of such rejection with statement of reason shall be mailed to the applicant by the City Manager or his designee.

RULE VII EXAMINATIONS

1. Nature and Types of Examinations: The selection technique used in the examination process shall be impartial, of a practical nature, and shall relate to those subjects which, in the opinion of the City Manager (with Department Heads consultation), thoroughly measure the relative capacity 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 will test fairly the qualifications of candidates such as, but not necessarily limited to, application screening, achievement and aptitude tests, personal interviews, performance tests, physical agility tests, evaluation of daily work performance, work samples, medical tests, or any combination of these or other tests.
2. Promotional Examinations: Promotional examinations may be conducted whenever, in the opinion of the City Manager, the needs of the service require it. Promotional examinations may include any of the selection techniques mentioned in this policy or any combination of them. Only permanent or probationary employees who meet the requirements set forth in the promotional examination announcements may compete in promotional examinations.
3. Continuous 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, as prescribed in these rules.
4. Conduct of Examinations: All examinations shall be conducted by or arranged for by the City Manager with cooperation of appropriate Department Head.
5. Qualifying Grade or Rating: In all examinations, the minimum grade or standing for which eligibility may be earned shall be based upon all competitive factors of the examination. Failure to earn a qualifying score in one part of the examination may be grounds for declaring the applicant as failing in the entire examination, or as not qualified to compete in subsequent parts of an examination. No preference points shall apply to any score below the minimum qualifying score.
6. Notification of Examination Results and Review of Papers: Each candidate in an examination shall be given written notice of the results thereof, and if successful, of the final earned score and/or rank on the employment list. Any candidate shall have the right to inspect his or her own examination papers within five (5) working days after the notices of examination results were mailed. Any error in computation, if called to the attention of the City Manager within this period, shall be corrected. Such correction shall not, however, invalidate appointments previously made.
7. Medical, Physical, Psychological: All new employees are subject to a required medical, physical and may be required to have a psychological examination and evaluation to

determine the employee's ability to perform the essential functions of the position as defined by the Americans with Disabilities Act. All employees are subject to periodic follow-up examinations and evaluations to determine continued ability to perform the essential functions.

Any employee hired temporarily prior to examination results is hired conditionally upon satisfactory evaluation. Examinations to be at City cost only when performed by an examiner specified or approved by City.

RULE VIII EMPLOYMENT LISTS

1. Employment Lists: As soon as possible after the completion of an examination, the City Manager shall prepare and keep available an employment list consisting of two (2) or more names than the positions available of persons successfully passing the examination, arranged in order of final scores earned, from the highest score down to the lowest passing score. The final score shall be determined by the total of the scores earned by each applicant for each part of the examination, based on the relative value assigned to each part of the examination. Whenever identical scores are earned, names shall be arranged in alphabetical order and no candidate shall receive any additional consideration because of this arbitrary manner of listing competitors who have earned identical scores.
2. Employees Laid Off Given Preference: Upon written application to the City Manager, a regular employee laid off for reasons not discreditable to him shall be entitled to have his name entered in first place upon the employment list, but not promotional lists, for the class to which his former position was allocated. If more than one name is given such preference, the position on the list shall be in reverse order of lay-off, or in accordance with the employee's service value to the City as recommended by the City Manager. In case of a reduction in the force, the junior employee in point of service in each class shall be laid off first.
3. Duration of Lists: Employment lists other than those resulting from a continuous examination shall remain in effect for one year, unless sooner exhausted and may be extended, prior to their expiration dates, by action of the City Manager for additional periods, but in no event shall an employment list remain in effect for more than two years. Open competitive lists created as a result of the continuous examinations shall remain in effect for not more than one year after the last administration of the examination, unless sooner exhausted. Names placed on such lists shall be merged with any others already on the list in order of final scores and shall remain in effect for not more than one year.
4. Temporary Employment: Because of urgency where a position is budgeted and vacant, where program or project continuity depends on the position, the City Manager may approve temporary filling of the position by a person possessing minimum qualifications. Such temporary employment gives the employee no special advantage or rights in competition.

RULE IX METHOD OF FILLING VACANCIES

1. Types of Appointment: All vacancies in the classified service shall be filled by transfer, promotion, re-employment, reinstatement, or from eligibles certified by the City Manager from an appropriate employment list, if available. In the absence of persons eligible for appointment in these ways, provisional appointments may be made in accordance with these Rules.
2. Notice to City Manager: Whenever a vacancy in the classified service is to be filled, the Department Head shall notify the City Manager in the manner prescribed. If there is no re-employment list available for the class, the City Manager shall determine whether to fill the vacancy by reinstatement, transfer, demotion, appointment from a promotional employment list, or appointment from an open employment list.
3. Certification of Eligibles: If the City Manager does not consider it in the City's best interest to fill the vacancy by reinstatement, transfer, or demotion, or if it is not possible to fill the vacancy by re-employment, certification shall be made from an appropriate employment list, provided eligibles are available.

When a vacancy is to be filled by appointment from a promotional employment list or from an open employment list, the City Manager shall certify from the specified list the name of all individuals willing to accept appointment. Whenever there are fewer than three names of individuals willing to accept appointment on a promotional employment list or on an open employment list, the Department Head may recommend appointment from among such eligibles or may request the City Manager to establish a new list. When so requested, the City Manager shall hold a new examination and establish a new employment list.

4. Appointment: The Department Head shall recommend to the City Manager appointment of an eligible from among those certified. Said appointment shall be subject to approval of the City Manager. The person accepting appointment shall present himself to the City Manager, or his designated representative, for processing on or before the date of appointment. If the applicant accepts the appointment and presents himself for duty, he shall be deemed to be appointed; otherwise, he shall be deemed to have declined the appointment.
5. Provisional Appointment: In the absence of there being names of three individuals willing to accept appointment on appropriate employment lists, a provisional appointment may be made by the City Manager of a person meeting the minimum training and experience qualifications for the position. An employment list shall be established within six months for any permanent position filled by provisional appointment. The City Manager may extend the period for any provisional appointment for not more than thirty days by any one action.

RULE X PERFORMANCE EVALUATIONS

1. Evaluation of Employee Work Performance: Employee work performance shall be regularly evaluated on a form or forms developed and approved by the City Manager.
 - a) The first evaluation should be made before the end of the first six months of full-time City employment. This evaluation shall serve as an essential consideration in determining whether to grant regular appointment following the one year probationary period. The second evaluation should follow within six months after the first. Thereafter, on the annual anniversary of regular City employment, an evaluation form shall be completed for each employee. These forms, once completed, shall be filed in the employee's personnel records. The employee work performance evaluation shall be used as a factor in the determination of eligibility for salary step increases and for promotion within the City's service.
 - b) Supervisor's Responsibility: Each City Supervisor is responsible for completing and submitting at the intervals previously prescribed in this section an employee work performance evaluation for each employee supervised.
 - c) Department Head's and City Manager's Responsibility: Each evaluation, before being placed in the personnel file, shall be initialed by the head of the department that the employee is assigned to, and the City Manager. Either the Department Head or the City Manager may annotate the employee work performance evaluation.
 - d) Timing: The evaluation should be completed by the date when the employee has served six months in the City's service or the annual anniversary date of the employee's hiring into the City's service, whichever is appropriate.
 - e) Supplemental Evaluations: An employee may request only two supplemental evaluations each year. These evaluations may be used as a basis for awarding or denying salary increases.
 - f) Review of Performance Reports by Employees: An employee may review his or her work performance evaluation at request during the normal business hours of City Hall. Request must be in writing. An employee may ask that a written response to the performance evaluation prepared by the employee become part of the personnel record.

RULE XI PROBATIONARY PERIOD

1. Regular Appointment Following Probationary Period: All original and promotional appointments shall be tentative and subject to a probationary period of not less than twelve (12) months actual service. The City Manager may establish a longer probationary period for specified classes, but shall not be longer than eighteen (18) months in duration. If the service of a probationary employee has been satisfactory to the Department Head he or she shall file with the City Manager a statement in writing to such effect and stating that the retention of such employee in the service is desired. If the service of a probationary employee has not been satisfactory to the Department Head he or she shall file with the City Manager a statement in writing to such effect and stating that the employee has not successful past the probationary period and should release from service.
2. Objective of the Probationary Period: The Probationary period shall be regarded as a part of the examination process and shall be utilized for closely observing the employee's work for securing the most effective adjustment of a new employee to his position, and for rejecting any probationary employee whose performance in the opinion of the Department Head and City Manager does not meet the required standards of work.
3. Rejection of Probationer: During the probationary period, an employee may be rejected at any time on recommendation by the Department Head and approved by the City Manager. Notification of rejection in writing shall be served on a probationer.
4. Rejection Following Promotion: An employee rejected during probationary period following a promotional appointment may be reinstated to the position from which that employee was promoted, unless that employee is discharged from the City service in the manner provided in these Rules and unless the previous position has been satisfactorily filled.
5. Promotion During Probationary Period: An employee promoted to a position with a greater maximum rate of pay than that of the employee's original appointment shall be deemed a new probationary employee and will commence the probationary period on the effective date of appointment.

RULE XII ATTENDANCE AND LEAVES

1. Vacation: All employees in the classified service shall be credited with vacation time in relation to years of service in accordance with the following schedule:

<u>Years of Service</u>	<u>Working Days Credited</u>
1 through 3 years	12 days per year
4 through 7 years	15 days per year
8 through 11 years	18 days per year
12 through 15 years	20 days per year
16 through 19 years	23 days per year
20 years and over	25 days per year

A new employee shall not be eligible to take or receive payment for credited vacation until the completion of one year of service. Subsequent to an employee's completion of one year of service, vacation may be used up to the maximum credited. After one year of service, vacation will be credited monthly. Upon termination of such employee he shall be paid for all unused credited vacation. Proration may be made for full months completed, results rounded to nearest full day.

Excepting credited vacation prior to adoption of this policy, an employee may accumulate all or part of their credited vacation to a maximum of the employee's entitlement for two (2) years of service and must be taken within the third year unless a written waiver is granted by the City Manager.

Each Department Head shall be responsible for scheduling the vacation of the employees they supervise in such a manner as to achieve the most efficient functioning of the department and the City Service. Scheduling may be split if requested provided departmental efficiency is not impaired.

Employees shall apply for vacation at least thirty calendar days before the requested effective date for the vacation, or as otherwise required by the Department.

Should the vacation requests of two employees conflict, the supervisor may recommend changes to best accommodate all employees.

Important criteria to be utilized by the supervisor are the classification and seniority of the employees, the date's vacation requests were submitted, and work load requirements. In the event City Holidays fall within an employee's vacation leave, such holidays shall not be charged as vacation leave.

2. Sick Leave: Employees shall be credited with sick leave at the rate of (1) day per calendar month. Sick leave shall be added to the employee's sick leave accumulation account upon completion of each calendar month with no credit applied during the progress of the month or for a portion of the month during which the employee terminates his City service.

Employees may accumulate unlimited sick leave. After 3 years of service upon separation or retirement employee will be paid up to 50% of accumulated sick leave not to exceed payment for more than 60 days.

No sick leave may be taken during the first three months of City full-time employment. However, sick leave accrued for the initial ninety days of employment may be used after that period has been completed.

In order to receive compensation while absent on sick leave, the employees must notify their department of intended absence prior to, or as soon as physically possible, after the time set for beginning of said employee's work shift.

Employees may be required, as a condition of payment for sick leave used, to furnish a certificate issued by a licensed physician or nurse or other satisfactory evidence of illness, injury, or medical or dental office calls. Such evidence must be furnished after five (5) days.

Sick leave may be applied to:

- a) An absence caused by illness or injury to an employee.
- b) Medical and dental office appointments for examination or treatment when absence during working hours for this purpose is authorized by the Department Head.
- c) Absence due to exposure to a contagious disease when quarantine is imposed by health authorities or when it is determined by a licensed physician that the presence of the employee on duty would endanger the health of others.
- d) Whenever an employee is compelled to be absent from duty because the employee's presence is needed to attend to the critical illness of a member of that employee's immediate family provided that such absence shall be limited to 50% of their annual accrual with the same provisions as other sick leave.
- e) Leave of absence for maternity will be covered under these provisions. An employee may work until she has been advised by her doctor to cease working. The employee may continue on sick leave either until the doctor gives written permission to return to work or until benefits are exhausted. (Amended November 7, 2002, Resolution 02-79)

3. Military Leave: Military leave shall be granted only in accordance with and if required by provisions of State and Federal law. All employees so entitled to military leave shall give the

City Manager and Department Head an opportunity within the limits of military regulations to determine when such leave may be taken.

4. Unauthorized Absence From Duty: Absence from duty without leave is grounds for discipline. Absence from duty without leave for three (3) consecutive work days shall be deemed a resignation from the City Service.
5. Authorized Leave Without Pay: A leave of absence without pay, not to exceed thirty (30) days per calendar year, may be granted by the Department Head, with the approval of the City Manager. Leave in excess of thirty days must be approved by the Department Head and City Manager.
6. Jury Leave: Every employee of the City who is called or required to serve as a trial juror shall be entitled to be absent from City duties during the period of such service or while necessarily being present in court as a result of such call. Under such circumstances, the City shall pay the employee's full salary. Any payment received by the employee except travel pay for such duty shall be remitted to the City.
7. Attendance: Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays, and leaves. All departments shall keep daily attendance records of employees according to prevailing practice.
8. Holidays: Regular Employees shall be granted the following paid holidays.

New Year's Eve Day; New Years Day; Martin Luther King's Birthday; Lincoln's Birthday; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Veterans Day; Columbus Day; Thanksgiving Day; Friday following Thanksgiving Day; Christmas Eve Day; Christmas Day; Floating Holiday and any other Holidays decreed by the City Council.

When a holiday falls on Sunday, the following Monday shall be deemed a paid holiday. When a holiday falls on Saturday, the preceding Friday shall be a paid holiday.

An employee must be paid for all, or a portion of, both the regularly scheduled working day immediately prior to a holiday and the regularly scheduled working day immediately following the holiday in order to receive pay for that holiday.

An employee who is required to work on a paid holiday shall receive, in addition to his regular pay, either compensatory time credit for the time actually worked or overtime. An employee whose regularly scheduled day off falls on a holiday shall receive straight compensatory time credit for such holidays.

Police, Fire or other department personnel whose shift or other schedules disregard holidays shall receive the approved number of holidays missed as extension of vacation in lieu of the holidays.

9. Computing Leaves: Days off are based on traditional 40 hour work in 7 day weeks. Any regular shifts such as 5 day 40 hours, "4-10", 4 day 40 hour or other variation is to result in the same number of days off per 40 hour 7 day weeks so that no advantage or disadvantage is imposed. A day off is a standard 24 hour day in either case, earned as a result of a 40 hour week. If necessary to prorate to fractions of a day, the fraction of time off should relate to similar fractions of 40 hour weeks worked.
10. Bereavement Leave: Every employee shall obtain his or her department head's approval for an absence on account of death in the family.

Each employee is entitled to a bereavement leave, following the death of a member of the immediate family. The period of such leave shall be determined by the City Manager. In determining the period of such leave, the relationship of the deceased to the employee and the amount of necessary travel involved, if any, shall be considered. In no event shall bereavement leave exceed five (5) working days.

RULE XIII
TRANSFER, PROMOTION, DEMOTION,
SUSPENSION, AND REINSTATEMENT

1. Transfer: No person shall be transferred to a position for which that employee does not possess the minimum qualifications. Upon approval of the City Manager, an employee may be transferred at any time from one position to another position in a comparable class. For transfer purposes, a comparable class is one with the same maximum salary, involves the performance of similar duties and requires substantially the same basic qualifications.

If the transfer involves a change from one department to another, both Department Heads must consent thereto unless the City Manager orders the transfer for purposes of economy or efficiency. Transfer shall not be used to effectuate a promotion, demotion, advancement, or reduction, each of which may be accomplished only as provided in these rules.

2. Promotion: Insofar as consistent with the best interests of the service, all vacancies in the classified service shall be filled by promotion from within the classified service, after a promotional examination has been given and a promotional list established.

If, in the opinion of the City Manager, a position could be filled better by an open competitive examination instead of promotional examination, then the City Manager shall arrange for an open competitive examination and for the preparation and certification of an open competitive employment list. Openings may be filled from combined promotional and open lists.

3. Demotion: The City Manager may demote any employee whose ability to perform required duties falls below standard, or for disciplinary purposes. Upon request of the employee, and with the consent of the City Manager, demotion may be made to a vacant position. No employee shall be demoted to a position for which he or she does not possess the minimum qualifications. Written notice of the demotion shall be given the employee at least ten (10) working days before the effective date of the demotion. Said notice shall contain a statement of the reasons for demotion and supportive information. It shall also notify the employee that he may respond either orally or in writing and request a hearing before the City Manager prior to the commencement of the demotion. A probationary employee may be demoted without prior notice and shall not be entitled to a hearing prior to the demotion.
4. Suspension: A Department Head, with the approval of the City Manager may upon two days prior notice to a permanent employee suspend without pay said employee from his or her position at any time when in the Department Head's judgment it is in the best interests of the City and when said suspension exceeds 5 days in duration. If said suspension is 5 days or less, no prior notice shall be necessary. Suspension shall not exceed twenty (20) working days except that if the suspension is imposed pending an employee's trial by a court of law,

the suspension may be extended until that court has rendered a decision. Suspensions and appeals to suspension shall conform to the procedures outlined in Section XV, Disciplinary Action.

A probationary employee may be suspended without notice and shall not be entitled to a hearing prior to the suspension.

5. Reinstatement: With the approval of the City Manager, a permanent or probationary employee, who has resigned with good record, may be reinstated within two (2) years of the effective date of resignation to a vacant position in the same or comparable class. Upon reinstatement, the employee, for all purposes, shall be considered as a new employee.

RULE XIV SEPARATION FROM THE SERVICE

1. Type of Separation: All separations of employees from positions in the competitive service shall be designated as one of the following types and shall be accomplished in the manner indicated - resignation, lay-off, disability, death, retirement, and discharge.
2. Resignation: An employee may resign by submitting in writing the reasons therefore and the effective date to the appropriate Department Head as far in advance as possible, but a minimum of two week's notice is required. Failure to comply with this requirement may be cause for denying the future employment with the City.
3. Lay-Off: The appointing power may lay-off an employee in the competitive service because of material change in duties or organization, or shortage of work or funds. Thirty (30) days before the effective day of lay-off, the Department Head and City Manager shall notify the City Council of the intended action with reasons therefore, and a statement certifying whether or not the service of the employee has been satisfactory as reflected by their performance evaluations on record.. Employees laid off in good standing shall have seniority privileges on the re-employment list as outlined in these rules. Those employees in good standing with seniority shall be laid off last.
4. Disability: An employee will be separated for disability when that employee cannot perform the required duties because of a physical and/or mental impairment. Action may be initiated by the employee, his legal representative, or the City, but in all cases it must be supported by medical evidence acceptable to the City. The City may require an examination at its expense and performed by a physician of its choice.
5. Death: All compensation due an employee shall be terminated as the date of death. All compensation due in accordance with these Rules shall be paid to the estate of the employee, except for such sums as by law must be paid to the surviving spouse or other next of kin.
6. Retirement: Whenever an employee meets the conditions set forth in the retirement plan regulations, that employee may elect, or be required to retire, and receive all benefits earned under the Retirement Plan dependent upon the Plan requirements.
7. Discharge: Any employee in the competitive service may be discharged by the City Manager. If the probationary period has been completed, then such discharge must be for a stated cause, follow the appropriate administrative procedures and the employee shall have the right to appeal as outlined in Section XV, Disciplinary Actions.

RULE XV DISCIPLINARY ACTION

1. Against Whom Disciplinary Action May be Taken: In conformity with this Rule, disciplinary action may be taken against any employee (regular, part-time or volunteer) who has attained a position within the City.

2. Reasons for Reprimand, Suspension or Dismissal: Listed below are examples of causes which shall be deemed sufficient for action by a department head or the City Manager. Grounds for disciplinary action are not limited to the examples enumerated.
 - a) Malfeasance, misconduct, incompetence, inefficiency, or for failure to reasonably perform duties of his or her position or to observe the established rules and regulations in relation thereto, or to cooperate reasonably with superiors or fellow employees.

 - b) Malfeasance and misconduct shall be deemed to include, for the purposes of this section, but shall not be construed to be limited to, the following acts or commissions:
 - 1) Conviction of a crime involving moral turpitude. "Conviction" shall be construed to be a determination of guilt by jury verdict, by decision of the court, plea of guilty of the accused, regardless of subsequent disposition of the case by suspension of sentence, grant of probation, or otherwise. The words "moral turpitude" shall be construed to mean any base, vile, lewd, depraved, dishonest, immoral, or corruptly-motivated act.

 - 2) The damaging of public property or the waste of public supplies through negligence or willful misconduct.

 - 3) Inexcusable absence without leave.

 - 4) Violation of any provision of the Code or any Ordinance of the City, or of any resolution adopted by the Council relating to conduct in office of persons employed in the competitive service.

 - 5) Insubordination by refusal or willful failure to obey any lawful and reasonable order or directive made and given by any superior officer.

 - 6) Dishonesty, by any willful misuse or misappropriation or attempted misuse or misappropriation of public funds or public property, by the rendering of any willfully false statement, or report to the City or to any Superior Officer, or the willful omission to report information or to disclose facts which the duties of the position require to be reported or disclosed.

- 7) Being under the influence of alcoholic beverages or drugs while on duty.
 - 8) Sexual harassment as defined under Rule XX of this personnel policy.
 - 9) Incompetence shall be deemed to include, for the purposes of this action: Any permanent or chronic physical or mental ailment or defect which incapacitates any employee for the proper, safe and efficient performance of the duties of that employee's position.
 - 10) Employees are expected to be at their place of duty ready to begin work when the workday begins. Failure of an employee to report for work at the beginning of the workday or shift constitutes tardiness. When an employee will be late, that employee must notify appropriate supervisor and advise that supervisor of when the employee will report to work. A tardy employee must report to the responsible supervisor immediately upon arriving at work. Chronic tardiness shall constitute grounds for disciplinary action.
 - 11) Safety shall be a continuing concern for all City officers and employees. No employee will ever be required to perform a task in an unsafe manner. Efforts on the part of employees to save time at the expense of safety are not appreciated or approved by the City. Violation of departmental or Citywide safety rules will be considered a violation of these rules and regulations and will be grounds for disciplinary action.
 - 12) All City officers and employees shall report to work dressed in the manner appropriate to their duties and as may be prescribed in their departmental regulations. In all cases, employees shall present a neat, clean appearance. Employees who report to work dressed in an unsuitable fashion will be sent home to dress properly, and the time spent in acquiring proper clothing will be regarded as an unexcused absence.
3. Types of Disciplinary Action: Any regular employee in the City may be disciplined for just cause as more particularly described in Section 2 above. Types of disciplinary action shall include the following:
- a) Oral Reprimand: A formal discussion with an employee about performance or conduct problems. This action preferably is summarized by a memo to the employee outlining the nature of the discussion. An oral reprimand is not subject to notice (subsection 4 herein) or the appeal process described in Rule XVI.
 - b) Written reprimand: A written document presented to an employee regarding performance or conduct problems. A copy must be provided to the employee with a copy being placed in the employee's personnel file. A written reprimand is not subject to notice (subsection 4 herein) or the appeal process described in Rule XVI.

- c) Suspension: An involuntary absence without pay for a fixed period of time.
- d) Demotion: An involuntary reduction to a lower level class with a lower salary range.
- e) Dismissal: Discharge or removal from the City service

While the City recognizes the value of progressive discipline, nothing in this section shall imply nor be interpreted to require all disciplinary steps prior to dismissal. The City maintains the right based on the level of violation to impose a level of discipline which in its sole judgment is appropriate to the violation up to and including dismissal subject to the appeal rights included in this policy.

- 4. Notice: Whenever it is the intention of the Department Head to take a disciplinary action against a regular employee, the employee shall be provided a written statement of reasons for the discipline and provided with a copy of any documents or information upon which the decision was made. The employee and a representative of his/her choosing will be provided an opportunity to respond to the charges made. A written request must be submitted to the Department Head within five (5) working days of being served with the notice of intended action. Following consideration of the employee response to the charges the Department Head will notice the employee that the disciplinary action is withdrawn, modified or enacted by a Notice of Discipline.

RULE XVI RULES OF APPEAL

1. Right of Appeal: Any employee in the classified service other than a probationary employee shall have the right to appeal to the City Manager any disciplinary action, interpretation or alleged violation of these Rules, and grievances unresolved after compliance with Rule XV of these Rules.
2. Method of Appeal: Appeals shall be in writing, subscribed by the appellant, and submitted within ten (10) calendar days from the imposition of discipline, and filed with the City Manager, who shall, within ten (10) calendar days after receipt of the appeal, inform the Department Head, and such other persons or officers named or affected by the appeal of the filing of the appeal. The appeal shall be a written statement, addressed to the City Manager, explaining the matter appealed from and setting forth therein a statement of the action desired by the appellant with the appellant's reasons therefore. The formality of a legal pleading is not required.
3. Notice: Upon the filing of an appeal, the City Manager shall set a date for a hearing on the appeal within thirty (30) days from the date of filing. The City Manager shall notify all interested parties of the date, time and place of the hearing shall prescribe.
4. Investigation: Upon the filing of an appeal, the City Manager to make such investigation of the matter as is deemed necessary. The result of such investigation shall be made a part of the record of the proceedings and the appellant shall have the right to reasonable time within which to answer or to present evidence in opposition to the findings of this investigation.
5. Hearings: The appellant shall appear personally, unless physically unable to do so, before the City Manager at the time and place of the hearing. Representation to the City Manager may be made by any person or attorney that the appellant may select and relevant oral or documentary evidence may be produced on the appellant's behalf at the hearing. The appellant's case shall be stated first and, at the conclusion, opposition matter may then be presented. Rebuttal matter not repetitive may be allowed at the discretion of the City Manager. Cross examination of witnesses shall be permitted. The conduct and decorum of the hearing shall be under the control of the City Manager, with due regard to the rights and privileges of the parties appearing before him/her. Hearings need not be conducted according to technical rules relating to evidence and witnesses.
6. Findings and Recommendations: The City Manager shall make written findings which shall state as to each charge whether or not such charge is sustained. The City Manager shall also set forth in writing his/her conclusions and recommendation based upon such findings and within ten (10) days after concluding the hearing shall mail or personally serve copies of the same on the employee and the Department Head.

RULE XVII GRIEVANCE PROCEDURES

1. Purpose of Rule:

- a) To promote improved employer-employee relations by establishing grievance procedures on matters for which appeal or hearing is not provided by other regulations.
- b) To afford employees, individually or through qualified employee organizations, a systematic means of obtaining further consideration of problems after every reasonable effort has failed to resolve them through discussions.
- c) To provide that grievances shall be settled as near as possible to the point of origin.
- d) To provide that appeals shall be conducted as informally as possible.
- e) To provide an orderly procedure for reviewing and resolving grievances promptly.

2. Matters Subject to Grievance Procedure: Any employee shall have the right to appeal alleged violation, misinterpretation or inequitable application of City policy, City rules and regulations, administrative orders and/or procedures.

3. Definitions:

- a) "Grievance" is any complaint of an employee, group of employees, or the Union involving interpretation, application, or alleged violation of any MOU, or any City policy, rule, regulation or practice. It is the intent of the parties to review and resolve grievances at the lowest possible administrative level.
- b) A "Grievant" may be any employee of the City of Rio Vista.
- c) A "Day" (for the purpose of this grievance policy) is any day on which the business offices of the City of Rio Vista are open for business.

4. Time Limit:

- a) The employee who fails to comply with the established time limits at any step will forfeit all rights to the further application of the grievance procedure.
- b) If the City fails to comply with the time limits, grievant or representative may advance the grievance to the next level.

5. Other Provisions:

- a) "Application": Grievances as defined within this document shall be brought only through this procedure.
- b) Grievance Processing Limits": The grievance procedure must be invoked within thirty (30) days of the time the grievance or alleged grievance could reasonably have become known to the grievant.

6. Informal Grievance Procedure: An employee who has a problem or complaint should first try to get it settled through discussions with immediate supervisor without undue delay. If, after this discussion, the employee does not believe the problem has been satisfactorily resolved, then the employee shall have the right to discuss the grievance with the supervisor's immediate superior, if any, in the administrative service. Every effort should be made to find an acceptable solution by informal means at the closest possible level of supervision. If the employee is not in agreement with the decision reached by discussion, then that employee shall have the right to file a formal grievance in writing within ten (10) work days after receiving the informal decision from the immediate supervisor.

7. Formal Grievance Procedure: (Levels of Review through Chain of Command.)

LEVEL 1

- a) Formal Grievance: The grievance shall be presented in writing to the employee's immediate supervisor, who shall render a decision. Comments shall be made in writing and they shall be returned to the employee within ten (10) work days after receiving the appeal. If the employee does not agree with the supervisor decision, or if no answer has been received within ten (10) work days, the employee may present the appeal in writing to the Department Head. Failure of the employee to take further action within ten (10) work days after receipt of the written decision of the supervisor, or within a total of twenty-five (25) work days if no decision is rendered, will constitute a dropping of the appeal.

The "grievance" is to be completed in memo form. It is to be complete, including but not limited to, full employee name, all facts giving rise to the grievance, the date of occurrence, the date of the informal discussion, and shall state and identify by appropriate reference all provisions and section of this Agreement, policy or rules alleged to be violated; shall state the contention of the employee with respect to these provisions; and shall indicate the specific relief, action, or remedy requested.

- b) Department Review: The Department Head receiving the appeal, or the Department Head's designated representative, should discuss the grievance with the employee, the employee's representative, if any, and with other appropriate persons. The Department Head shall render a decision and comments shall be made in writing and returned to the employee within ten (10) work days after receiving the appeal. If the

employee does not agree with the decision reached, or if no answer has been received within ten (10) work days, then the employee may present the appeal in writing to the City Manager. Failure of the employee to take further action, within ten (10) work days after receipt of the decision, or within a total of twenty-five (25) work days if no decision is rendered will constitute a dropping of the appeal.

LEVEL 2

City Manager: The City Manager receiving the appeal or his designated representative should discuss the grievance with employee, the employee's representative, if any, and with other appropriate persons.

The appeal to the City Manager shall include a copy of the original grievance, a written copy of the decision rendered by the Department Head, or his designee, and a clear and concise statement of the reason for the appeal.

The City Manager, or his designee, will meet with the grievant in an attempt to resolve the matter, within ten (10) work days. The grievant may be represented at the option of the grievant. The City Manager, or his designee, may conduct whatever investigation he/she deems appropriate.

The City Manager, or his designee, shall communicate his decision to the grievant (and representative if applicable) in writing within ten (10) work days of the grievance meeting.

LEVEL 3

If the grievance is not resolved at Level 2 the grievant or representative may appeal the decision of the City Manager to a neutral arbitrator who shall be mutually agreed upon or selected from a panel which shall be supplied by the State of California Mediation and Conciliation Services.

The grievant or representative shall notify the City Manager in writing of the intent to appeal his/her decision.

If mutual selection cannot be made from the list received within five (5) work days, the parties shall select the arbitrator by alternately striking names until only one name remains and that person shall be the arbitrator.

The fees and expenses of the arbitrator and of a court reporter, if used, shall be shared equally by the City and the Union or employee. Each party, however, shall bear the cost of its own presentation including preparation and post-hearing briefs, if any.

Decisions of arbitrators on matters properly before them shall be final and binding on the parties hereto to the extent permitted by law.

No arbitrator shall entertain, hear, decide, or make recommendations on any dispute unless such dispute falls within the definition of a grievance as set forth in this Article or is an appeal of a disciplinary action as set forth in Rule XVII, Section 3, subsection a, and involves a disciplinary action of suspension of more than three (3) shifts, salary reduction/demotion, or termination.

An employee who chooses to advance a grievance or disciplinary action to arbitration, without benefit Union representation, shall be required to personally pay all fees and expenses normally assessed to Union for the cost of arbitration. The City may require the employee to advance the cost of one half of the selected arbitrator's usual fee at the time said arbitrator is selected. Should an employee choose to secure his/her own attorney, he/she shall be solely responsible for all of the associated attorney's fees and costs.

5. Conduct of Grievance Procedure:

- a) The time limits specified above may be extended to a definite date by mutual written agreement of the employee and the reviewer concerned.
- b) The employee may request the assistance of another person of the employee's own choosing in preparing and presenting the appeal at any level of review.
- c) The employee may be privileged to use a reasonable amount of work time as determined by the appropriate Department Head in conferring about and presenting the appeal.
- d) **EMPLOYEES SHALL BE ASSURED FREEDOM FROM REPRISAL FOR USING THE GRIEVANCE PROCEDURES.**
- e) In the event the employee has cause to bypass any of the steps, the cause as well as the grievance shall be stipulated in the presentation to the officer sought by the employee.

6. Extension of Time: If both parties agree, the time limits may be waived for a specific period of time at any step in this procedure.

7. Witness and Grievant Release Time: If any grievance hearing is scheduled during working hours, the grievant or any witnesses shall suffer no loss of pay to present his or her grievance.

RULE XVIII TRAINING OF EMPLOYEES

1. Purpose of Training Program and Policy: It is the policy of the City of Rio Vista to encourage and assist in the development of maximum efficiency in the performance of official duties by City employees by providing for the training of employee's in the performance of their official duties.

The development of a continuous program of post-entry training as a part of the normal operation of City administration shall be encouraged. All other things being equal, priority consideration shall be given to training opportunities sponsored by and conducted within or through the City.

2. Limitations: Reimbursement to employees for tuition, costs, or other expenses incurred in undertaking approved training and continuing education programs will be made only upon successful completion of such course or program and only provided the educational experience was undertaken after prior written approval by the City Manager of a job related course at an approved or accredited agency or institution, and included in the budget.

The City Manager is authorized to prescribe such other limitations in accordance with this rule with respect to the time which may be spent by an employee in training.

3. Budget Review: The City Council shall review the training program, based on the recommendations of the City Manager, as part of the annual budget adoption process. As part of said review, the City Council shall find and determine the training needs and consider the same during priority setting budget sessions.

RULE XIX
ADMINISTRATION OF THE
PERSONNEL SYSTEM

1. Personnel Record: The City Manager shall maintain a personnel record for each individual employed by the City of Rio Vista. This record shall be maintained at least five years after the individual terminates service with the City and such files are in addition to other personnel related files in Finance and by Departments.
2. Confidentiality of Records: All personnel records that contain information about employees shall be confidential. (This does not include payroll data.)
3. Inspection of Records: An employee shall be able to inspect his or her own personnel records in the presence of a Department Head or City Manager after a written request from the employee. Such reviews will take place within a reasonable period of time from the receipt of the request. Employees will be allowed to make copies of all documents contained within their file.

RULE XX SEXUAL HARASSMENT

1. Policy: The City of Rio Vista specifically rejects sexual harassment as defined in Rule I of this Personnel Policy as an acceptable behavior in the workplace. Such conduct by a City employee will constitute grounds for disciplinary action up to and including termination.

All Supervisors and employees are expected to support the principles of equal opportunity and freedom from sexual harassment.

2. Responsibility of Employees: Prompt, appropriate action may stop incidences of sexual harassment, therefore, an employee should, at least initially, tell the offending individual that his/her behavior is unwelcome, offensive, in poor taste or highly inappropriate. All allegations of sexual harassment should be submitted, and in such cases the formal chain of command does not apply. Allegations can be submitted to any supervisor, department head or to the City Manager.
3. Responsibility of Management and Supervisory Employees: Management and supervisory employees shall be responsible for:
 - a) Informing all employees under their direction of the City policy and complaint procedure;
 - b) Reporting any instances of sexual harassment to the proper department head and/or to the City Manager;
 - c) Investigating sexual harassment allegations; and
 - d) Based on the findings of the investigation, taking appropriate action.
4. Responsibility of City Manager: The City Manager shall be responsible for:
 - a) Administering the following complaint procedure;
 - b) Administering disciplinary actions as may be appropriate.
5. Complaint Procedure: Any employee who feels he or she has been the victim of sexual harassment shall report the same to any supervisor, department head or the City Manager. This initial report can be oral or written; however, in order to facilitate an investigation into the matter, a completed sexual harassment complaint form signed by the employee must be submitted to a supervisor, Department Head or the City Manager.

- a) As a recommended, but not mandatory first step, an employee who has a complaint

should first try to get it settled through discussions with the alleged perpetrator's immediate supervisor. If, after this discussion, the employee does not believe the problem has been satisfactorily resolved, then the employee shall have the right to discuss the problem or complaint with the person next above, if any, in the administrative service. If the employee is still not in agreement with the decision reached, he or she shall then have the right to file a formal appeal in writing within ten (10) calendar days after receiving the informal decision.

- b) The appeal shall be presented in writing to a supervisor, Department Head or the City Manager, who shall render a decision in writing to the employee within ten (10) calendar days after receiving the appeal. If the employee does not agree with the decision, or if no answer has been received within ten (10) calendar days, the employee may present the appeal in writing to the alleged perpetrator's Department Head. Failure of the employee to present the appeal within ten (10) calendar days after receipt of the written decision, or within a total of twenty-five (25) calendar days if no decision is rendered, will constitute a dropping of the appeal.
- c) The Department Head receiving the appeal, or the Department Head's designated representative, shall discuss the complaint with the employee, the employee's representative, if any, and with other appropriate persons. The Department Head shall render a decision in writing to the employee within ten (10) calendar days after receiving the appeal. If the employee does not agree with the decision reached, or if no answer has been received within ten (10) calendar days, the employee may present the appeal in writing to the City Manager. Failure of the employee to present the appeal within ten (10) days after receipt of the decision, or within a total of twenty-five (25) calendar days if no decision is rendered will constitute a dropping of the appeal.
- d) The City Manager receiving the appeal or his designated representative shall discuss the complaint with employee, the employee's representative, if any, and with other appropriate persons. The City Manager shall render a decision in writing to the employee within ten (10) days after receiving the appeal.
- e) In the conduct of the complaint procedure the following shall apply:
 - 1) The time limits specified above may be extended to a definite date by mutual written agreement of the employee and the reviewer concerned.
 - 2) The employee may request the assistance of another person of the employee's own choosing in preparing and presenting the appeal at any level of review.
 - 3) The employee may be privileged to use a reason-able amount of work time as determined by the appropriate Department Head in conferring about and presenting the appeal.

4) EMPLOYEES SHALL BE ASSURED FREEDOM FROM REPRISAL FOR USING THE PROCEDURE.

6. Disciplinary Action: Disciplinary action taken on the basis of sexual harassment may be appealed with or without representation in accordance with Rules XIV and XV of this Personnel Policy.

External Complaints

If an employee is not satisfied with the City's response to the complaint, he or she may file within one year of the event a complaint with the U.S. Equal Employment Opportunity Commission (EEOC) or the Department of Fair Employment and Housing (DFEH). Phone numbers for these agencies may be found in the phone book or on the DFEH poster on the bulletin board.

RULE XXI

EMPLOYER-EMPLOYEE RELATIONS

1. Purpose: The City Council of Rio Vista desires to establish a framework of policy and procedures which will provide a uniform and equitable basis for consideration of legitimate employee objectives advanced by employee organizations, in a manner which is consistent with the highest standards of City service, with the intent and purpose of promoting and furthering harmonious employer-employee relations upon a sound constructive foundation, having as its cornerstone fully acceptance and recognition of the obligations and rights of both management and employees.

2. Definition:

As used in this Rule, the following terms have the meanings indicated:

a) Appropriate unit:

Appropriate unit shall mean a unit of employee classifications determined by the City to possess common characteristics necessary to be successful in the meet and confer process.

b) City:

City shall mean the City of Rio Vista

c) Employee organization:

Employee organization shall mean any organization which includes employees of the City and which has as one of its primary purposes representing such employees in their employment relations with the City.

d) Recognized employee organization:

Recognized employee organization shall mean an employee organization which has been formally acknowledged by the City as an employee organization that represents employees of the City.

3. Filing of recognition petition:

An employee organization that seeks to be formally acknowledged as the recognized employee organization representing the employees in an appropriate unit shall file a petition with the City Manager containing the following information and documentation:

a) Name and address of the employee organization.

- b) Name and titles of its officers.
- c) Names of employee organization representatives who are authorized to speak on behalf of the organization.
- d) A statement that the employee organization has, as one of its primary purposes, the representation of employees in their employment relations with the City.
- e) A statement whether the employee organization is a Chapter of, or affiliated directly or indirectly in any manner with, a local, regional, state, national or international organization and, if so, the name and address of each such organization.
- f) Certified copies of the employee organization's constitution and by-laws or other enabling documents.
- g) A designation of those persons, not exceeding two in number and their address, to which notice, sent by regular United States mail, will be deemed sufficient notice on the employee organization for any purpose.
- h) A statement that the employee organization has no restriction on membership based on race, color, creed, sex or national origin.
- i) The job classifications or titles of employees in the unit claimed to be appropriate and the approximate number of member employees therein.
- j) A statement that the employee organization has in its possession proof that a majority of the employees in the unit claimed to be appropriate have designated the employee organization to represent them in their employment relations with the City. Such written proof shall be submitted for confirmation to the City Manager.
- k) A request that the City Manager formally acknowledge the petitioning organization as the recognized employee organization representing the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith.

The petition, including the proof of employee support and all accompanying documentation, shall be declared to be true, correct and complete, under penalty of perjury, by the duly authorized officer(s) of the employee organization executing it.

4. City response to recognition petition:

Upon receipt of the petition, the City Manager shall determine whether:

- a) There has been compliance with the requirements of the recognition petition; and
- b) Whether the proposed representation unit is an appropriate unit in accordance with Section 2(a).

If an affirmative determination is made by the City Manager on the foregoing two matters, he/she shall so inform the petitioning employee organization, and shall give written notice of such request for recognition to the employees in the unit. If either of the foregoing matters are not affirmatively determined, the City Manager shall offer to consult thereon with such petitioning employee organization and, if such determination thereafter remains unchanged, shall inform that organization of the reasons therefor in writing. The petitioning employee organization may appeal such determination in accordance with Section 7 of this Rule.

If an affirmative determination is made by the City Manager, he/she shall present the petition and supporting information to the City Council at the next available meeting of the Council. The City Council shall have the authority to act, by resolution, upon the request for recognition.

If the City Council determines not to approve recognition of the unit, a new petition for the same unit shall not be accepted for a period of twelve (12) months of such Council determination. The Council may deny recognition under the following circumstances.

- 1) When the Council determines the unit is not an appropriate unit in accordance with Section 2(a).
- 2) When the Council determines insufficient evidence exists of majority support. If the Council makes such a determination, it shall not act on the petition until such time as a secret ballot election is conducted in accordance with the following:

The City Council shall direct the City Manager to arrange for a secret ballot election to be conducted by a party agreed to by the City Council and the concerned employee organization(s). All employee organizations who have duly submitted petitions which have been determined to be in conformance with this Rule shall be included on the ballot. The choice of “no organization” shall also be included on the ballot. Employees entitled to vote in such election shall be those persons employed in regular permanent positions within the designated appropriate unit who were employed during the pay period immediately prior to the date which ended at least fifteen (15) days before the date the election commences, including those who did not work during such period because of illness, vacation or other authorized leave of absence and who are employed by the City in the same unit on the date of the election. An employee organization shall be formally acknowledged as the recognized employee organization for the designated appropriate unit following an election or run-off election if it received a numerical majority of all valid votes cast in the election. In an election involving three or more choices, where none of the choices receives a majority of the valid votes cast, a run-off election shall be conducted between the two choices receiving the largest number of valid votes cast; the rules governing an initial election being applicable to a run-off election.

There shall be no more than one valid election under this resolution pursuant to any petition in a twelve (12) month period affecting the same unit.

In the event that the parties are unable to agree on a third party to conduct an election, the election shall be conducted by the State Mediation and Conciliation Service.

Costs of conducting election shall be borne in equal shares by the City and the employee organization(s) appearing on the ballot.

If the City Council determines to approve recognition of the unit, it shall not take effect until ten (10) days following recognition in order to allow for the filing of a challenging petition.

5. Open period for filing challenging petition:

Within ten (10) days of the date the City Council approves recognition of an appropriate unit, any other employee organization may file a competing request to be formally acknowledged as the recognized employee organization of the employees in the same or in an overlapping unit (one which corresponds with respect to some but not all the classifications or positions set forth in the recognition petition being challenged), by filing a petition evidencing proof of employee support in the unit claimed to be appropriate of at least thirty per cent (30%) and otherwise in the same form and manner as set forth in Section 3. If such challenging petition seeks establishment of an overlapping unit, the City Manager shall make a recommendation on ascertaining the more appropriate unit and transmit his recommendation to the City Council. The Council shall thereafter hold a hearing to determine the appropriate unit is accordance with the standards in this Rule. The Council may call for a secret ballot election, if conformance with Section 4 above, to determine the appropriate unit.

6. Policy and standards for determination of appropriate units:

a) The policy objectives in determining the appropriateness of units shall be the effect of a proposed unit: 1) On the efficient operations of the City and its compatibility with the primary responsibility of the City and its employees to effectively and economically serve the public; and 2) On the provision to employees of effective representation based on recognized community of interest considerations. These policy objectives require that the appropriate unit shall be the broadest feasible grouping of positions that share an identifiable community of interest. Factors to be considered shall be:

- 1) Similarity of the general kinds of work performed, types of qualifications required and the general working conditions.
- 2) History of representation in the City and similar employment; except, however, that no unit shall be deemed to be an appropriate unit solely on the basis of the extent to which employees in the proposed unit have organized.
- 3) Consistency with the organizational patterns of the City.

- 4) Number of employees and, the effect on the employer/employee relationship of dividing a single or related classification among two or more units.
- b) The City Manager shall, after notice and consultation with affected employee organizations, allocate new classifications or positions, delete eliminated classifications or positions and retain, relocate or delete modified classifications or positions from the unit.

7. Appeals:

An employee organization aggrieved by an appropriate unit determination of the City Manager under this Rule may, within ten (10) days of notice thereof, appeal such determination to the City Council for final decision within fifteen (15) days of notice of the City Manager's determination or the termination of proceedings pursuant to Government Code 3507.1 or 3507.3 whichever is later.

8. Employee organization activities – Use of City resources:

Access to City work locations and the use of City paid time, facilities, equipment and other resources by employee organizations and those representing them shall be authorized only to the extent provided for in Memorandum of Understanding and/or administrative procedures; shall be limited to activities pertaining directly to the employer/employee relationship and not such internal employee organization business as soliciting membership, campaigning for office and organization meetings and elections; and shall not interfere with the efficiency, safety and security of City operations.

9. Administrative rules and procedures:

The City Manager is hereby authorized to establish such rules and procedures as appropriate to implement and administer the provisions of this Rule XXI after consultation in good faith with affected employee organizations.

RULE XXII ANTI-DISCRIMINATION POLICY

PURPOSE

1. **Purpose:** The City Council of the City of Rio Vista adopts the following policy in compliance with the Civil Rights Act of 1964, the Civil Rights Act of 1991, the California Fair Employment and Housing Act, the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), the Age Discrimination in Employment Act of 1967 as amended in 1974 and 1978, and any other applicable anti-discrimination laws. It is the intent of this policy to provide employees, applicants for employment, or recipients of services in the City of Rio Vista an environment free of discrimination.

2. **Policy:** The City Council hereby prohibits discrimination against employees and applicants because of race, color, religion, national origin, ancestry, marital status, sex, age, Vietnam Era or Disabled Veterans, physical (including ARC and/or HIV positive and cancer) or mental disability, sexual orientation, political or religious opinions or affiliations, or any other factor unrelated to job performance.

This policy applies to providing equal opportunity to employees and applicants with respect to recruitment, hiring, promotion, transfer, compensation, training, demotion, disciplinary action, termination, benefits, job evaluation, and all other conditions of employment.

The City Council further affirms its commitment to ensure accessibility by people with disabilities seeking help and assistance from any City service or participation in any City activity.

3. **Complaint Procedure:**
 - a) **Applicants and Employees:** Any employee who believes that he or she has been the victim of discrimination, as outlined above, should promptly report the facts of the incident(s) and the names of the individuals involved and any witnesses or other relevant facts to the City Manager. The complaint shall immediately be investigated by the City Manager or his/her designee. Corrective action shall be taken as soon as possible. Such corrective action shall include disciplinary actions up to and including termination for any employee found to have violated this policy.

 - b) **Members of the Public:** Members of the public who believe they are being denied services due to lack of program accessibility based on a physical or mental disability as provided for by the Americans with Disabilities Act should report their concerns to the City Manager. The City Manager who will immediately investigate the situation and take action where possible to make reasonable accommodation.

RULE XXIII DRUG FREE WORKPLACE POLICY

1. Policy: This policy is intended to comply with Public Law 100-690, the Drug-Free Work Place Act of 1988. It is the goal of this policy to provide a drug-free workplace for employee of the City of Rio Vista at all work sites. While the City of Rio Vista has no intention of intruding into the private lives of its employees, the use of controlled substances impacts the safety and efficiency of City operations and the provision of services to the public.

2. Restrictions:
 - a) The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by employees is prohibited at all City work sites.

 - b) Employees, as a condition of employment, shall notify their department head of any criminal drug statute conviction for a violation occurring in the work place no later than five days after such conviction.

 - c) Employees who violate the above policy, or are convicted on criminal drug statute violations occurring at the work place, or who fail to give the notice required above shall be subject to the appropriate personnel action, up to and including termination, or may, where appropriate be required to participate in a drug-abuse assistance or rehabilitation program by a federal, state, or local health, law enforcement, or other appropriate agency.

 - d) The City will establish a drug-free awareness program to inform employees of this policy, the dangers of drug abuse in the work place, and any available drug counseling, rehabilitation, and employee assistance programs.

3. Rights: No provisions of this policy are intended to remove or limit an employee's right to appeal a disciplinary action under applicable sections of the Personnel Policy, Section XV.