



City of Lindsay

Personnel Rules & Regulations

Adopted By Council 8.13.19

Human Resources Department

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

TABLE OF CONTENTS

RULE 1	MERIT PERSONNEL SYSTEM	1-1
Section 1.1	Purpose	1-1
Section 1.2	Personnel System Organization	1-1
Section 1.3	Merit Employment Policy	1-1
Section 1.4	Intent of the Personnel System	1-1
Section 1.5	Prior Polices Repealed	1-2
Section 1.6	Priority of Collective Bargaining Agreements	1-2
Section 1.7	Terms of Personnel Manual	1-2
Section 1.8	Non-Discrimination	1-2
Section 1.9	Application of Personnel Rules and Regulations	1-2
Section 1.10	Violations of Rule and Regulations	1-3
Section 1.11	Employee Responsibility	1-3
Section 1.12	Administrative-Department Policies and Procedures	1-3
Section 1.13	Distribution of Personnel Policies	1-3
Section 1.14	No Contract Created	1-3
Section 1.15	Severability Clause	1-3
RULE 2	DEFINITION OF TERMS	2-1
Section 1.1	Definition of Terms	2-1
Section 2.2	Construction In General	2-6
Section 2.3	Prohibited Acts Include Causing or Permitting	2-6
Section 2.4	Reference to Rules Includes Amendments	2-7
Section 2.5	“Shall” and “May”	2-7
RULE 3	GENERAL PROVISION	3-1
Section 3.1	Fair Employment	3-1
Section 3.2	Violation of Rules and Regulations	3-1
Section 3.3	Amendment and Revision of Rules and Regulations	3-1
RULE 4	CLASSIFICATIONS	4-1
Section 4.1	Purpose	4-1
Section 4.2	Classification Plan	4-1
Section 4.3	Administration	4-1
Section 4.4	Classification of Position	4-1
Section 4.5	Classification of New Positions	4-1
Section 4.6	Reclassification	4-1
Section 4.7	Job Descriptions (Specifications)	4-2
Section 4.8	Vacancies	4-3
Section 4.9	Evaluations	4-3
RULE 5	COMPENSATION	5-1
Section 5.1	Preparation of Salary and Wage Plan	5-1
Section 5.2	Adoption and Application of Plan	5-1

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Section 5.3	New Employees	5-1
Section 5.3.1	Advancement Within Salary Range	5-1
Section 5.3.2	Special Salary Adjustments	5-1
Section 5.3.3	Applicable Pay Rates	5-1
Section 5.4	Deductions	5-2
Section 5.4.1	Deductions Required by Law and Contracts	5-2
Section 5.4.2	Written Authorization From Employee	5-2
Section 5.4.3	Claims	5-2
Section 5.5	Salary Adjustment	5-2
Section 5.6	“Acting” Capacity	5-2
Section 5.7	Terminal Pay	5-3
Section 5.7.1	Employees’ Death	5-3
Section 5.7.2	City Property	5-3
RULE 6	APPLICATIONS AND APPLICANTS	6-1
Section 6.1	Employment Standards	6-1
Section 6.2	Applications	6-1
Section 6.3	Application Filing	6-1
Section 6.3.1	Character	6-1
Section 6.3.2	Physical and Psychiatric Examination	6-1
Section 6.3.3	Credit Rating	6-1
Section 6.3.4	Residency	6-2
Section 6.4	Standards – Operations of Motor Vehicle	6-2
Section 6.4.1	Personal Integrity	6-2
Section 6.4.2	Dependability	6-2
Section 6.5	Disqualification of Applicant	6-2
RULE 7	EXAMINATIONS AND ELIGIBLE LIST	7-1
Section 7.1	Conduct of Examinations	7-1
Section 7.2	Nature and Types of Examinations	7-1
Section 7.2.1	Continuous Examinations	7-1
Section 7.2.2	Promotional Examinations	7-1
Section 7.3	Scoring Examinations and Qualifying Scores	7-1
Section 7.4	Notice of Examination Results	7-1
Section 7.5	Establishment of Eligible List	7-2
Section 7.5.1	Duration of List	7-2
Section 7.5.2	Re-Employment List	7-2
Section 7.6	Removal of Name From List	7-2
RULE 8	APPOINTMENTS	8-1
Section 8.1	Types of Appointments	8-1
Section 8.2	Request to Fill Vacancy	8-1
Section 8.3	Method of Appointment	8-1
Section 8.4	Reinstatement	8-1
Section 8.5	Re-employment After Lay-Off	8-1
Section 8.6	Transfer	8-1
Section 8.7	Demotion	8-2
Section 8.8	Nepotism	8-2

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Section 8.9	Temporary or Part-Time Appointments	8-2
Section 8.10	Officer of Employment	8-2
Section 8.11	Fingerprints	8-2
Section 8.12	Medical Examination	8-2
Section 8.13	Driver’s License and Driving Record	8-3
Section 8.14	Employment Oath	8-3
Section 8.15	Identification Cards	8-3
Section 8.16	Keys	8-4
Section 8.17	Other City Property	8-4
RULE 9	PROBATIONARY PERIOD	9-1
Section 9.1	Purpose	9-1
Section 9.2	Duration of Probationary Period	9-1
Section 9.3	Successful Completion of Probationary Period	9-1
Section 9.4	Rejection of Probationer	9-1
Section 9.5	Rejection Following Promotion	9-1
Section 9.6	Promotion, Demotion, and Transfer Probationary Period	9-1
Section 9.7	Re-employment and Reinstatement Probationary	9-1
Section 9.8	Interrupted Probationary Period	9-2
Section 9.9	Extension of Probationary Period	9-2
RULE 10	HOURS OR WORK; OVERTIME; HOLIDAYS	10-1
Section 10.1	Hours of Work	10-1
Section 10.2	Attendance	10-1
Section 10.3	Holidays	10-1
Section 10.3.1	Paid Holiday	10-1
Section 10.3.2	Holiday Falling on Weekend	10-1
Section 10.3.3	Overtime Compensation for Holidays Worked	10-1
Section 10.3.4	Employee Request	10-2
Section 10.4	Overtime	10-2
Section 10.5	Compensatory Time Off	10-2
Section 10.5.1	Supervisor Approval Required Before Work	10-2
Section 10.5.2	Accrual Rate	10-2
Section 10.5.3	Employee Requests to Use CTO	10-2
Section 10.5.4	City Cash Out	10-2
Section 10.5.5	Employee Cash Out	10-2
Section 10.6	General Overtime Policy	10-3
Section 10.7	Employees Responsibility	10-3
Section 10.8	Supervisors Responsibility	10-3
Section 10.9	Accounting for Overtime Worked	10-3
Section 10.10	Accounting for Portions of an Hour	10-3
Section 10.11	Variations in Time Reported	10-3
Section 10.12	Off-Duty Employment	10-3
RULE 11	LEAVE OF ABSENCE	11-1
Section 11.1	Vacation Leave of Employee	11-1

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Section 11.1.1	When Vacation Leave is Earned	11-1
Section 11.1.2	Effect of Holiday on Vacation Leave	11-1
Section 11.1.3	Changing Vacation Leave to Sick Leave	11-1
Section 11.2	Sick Leave	11-1
Section 11.2.1	Accrual of Sick Leave	11-2
Section 11.2.2	When Right to Take Sick Leave Begins	11-2
Section 11.2.3	Use of Sick Leave	11-2
Section 11.2.4	Return to Employment After Sick Leave	11-2
Section 11.3	Medical Leave	11-2
Section 11.4	On Duty Injuries	11-3
Section 11.4.1	Pay	11-3
Section 11.4.2	Accumulated Sick Leave	11-3
Section 11.5	Injuries Requiring Medical Care	11-3
Section 11.6	Liability for Failure to Comply	11-3
Section 11.7	Accident Defined	11-3
Section 11.8	Employee’s Responsibility	11-3
Section 11.9	Supervisor’s Responsibility	11-4
Section 11.10	Department Head’s Responsibility	11-4
Section 11.11	Injuries Requiring No Medical Attention	11-4
Section 11.12	Injury Caused by Other	11-5
Section 11.13	No Settlement Without Prior Approval	11-5
Section 11.14	Leaves of Absence Due to Family Death of Family Member	11-5
Section 11.14.1	Immediate Family	11-5
Section 11.14.2	Other Than Immediate Family	11-5
Section 11.14.3	Timesheet	11-5
Section 11.15	Jury Leave – Notice	11-5
Section 11.15.1	Pay	11-6
Section 11.15.2	Without Pay	11-6
Section 11.15.3	Partial Pay	11-6
Section 11.16	Military Leave	11-6
Section 11.17	Statement of Policy	11-6
Section 11.17.1	Definitions	11-6
Section 11.17.2	Reasons for Leave	11-9
Section 11.17.3	Employees Eligible for Leave	11-10
Section 11.17.4	Amount of Leave	11-10
Section 11.17.5	Employee Benefits While on Leave	11-11
Section 11.17.6	Substitution of Paid Accrued Leaves	11-11
Section 11.17.7	Medical Certification	11-12
Section 11.17.8	Employee Notice of Leave	11-13
Section 11.17.9	Reinstatement Upon Return From Leave	11-14
Section 11.18	Authorized Leave of Absence Without Pay	11-14
Section 11.18.1	Return From Leave	11-14
Section 11.19	Pregnancy Disability Leave	11-14
Section 11.19.1	Notice & Certification Requirements	11-14
Section 11.19.2	Compensation During Leave	11-15
Section 11.19.3	Benefits During Leave	11-15
Section 11.19.4	Reinstatement	11-16
Section 11.20	Unauthorized Leave of Absence	11-16
Section 11.21	Deduction	11-16
Section 11.22	Sick Leave Donations	11-16
Section 11.23	Leave Requests	11-16

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Section 11.24	Temporary and Part Time Employees Not Eligible	11-17
RULE 12	TRANSFER AND DEMOTION	12-1
Section 12.1	Transfer	12-1
Section 12.1	Involuntary Transfer	12-1
Section 12.1.2	Voluntary Transfer	12-1
Section 12.2	Demotion	12-1
RULE 13	SEPARATION FROM SERVICE	13-1
Section 13.1	Abandonment of Position	13-1
Section 13.2	Disciplinary Action	13-1
Section 13.3	Layoff	13-1
Section 13.3.1	Statement of Intent	13-1
Section 13.3.2	Notification	13-1
Section 13.3.3	Order of Layoff	13-1
Section 13.3.4	Re-employment Rights for Laid-off Employees	13-2
Section 13.4	Resignation	13-2
Section 13.5	Disability	13-2
Section 13.6	Retirement	13-3
Section 13.7	Death of Employee	13-3
Section 13.8	Return of City-Owned Property	13-3
Section 13.9	Exit Interviews	13-3
RULE 14	DISCIPLINARY PROCEDURE	14-1
Section 14.1	Policy	14-1
Section 14.2	Basis for Disciplinary Action	14-1
Section 14.3	Types of Discipline	14-4
Section 14.4	Written Notice of Intent to Discipline	14-6
Section 14.5	Employee Response	14-6
Section 14.6	Final Notice of Discipline	14-7
Section 14.7	Relief of Duty	14-7
Section 14.8	Appeal	14-7
Section 14.8.1	Request for Appeal Hearing	14-7
Section 14.8.2	Date and Time of the Appeal Hearing	14-7
Section 14.8.3	Identification of Issues, Witnesses and Evidence	14-8
Section 14.8.4	Conduct of the Appeal Hearing	14-8
RULE 15	CITY-OWNED EQUIPMENT	15-1
Section 15.1	Motor Vehicles - Use	15-1
Section 15.2	Assignment	15-1
Section 15.3	Operation	15-1
Section 15.4	Equipment Other Than Motor Vehicle	15-1
RULE 16	POLITICAL ACTIVITY	16-1
Section 16.1	Prohibited Conduct	16-1
Section 16.2	Examples of Prohibited Conduct	16-1

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Section 16.3	Examples of Permitted Conduct	16-1
RULE 17	TRAINING EMPLOYEES	17-1
Section 17.1	Responsibility for Training	17-1
Section 17.2	Credit for Training	17-1
Section 17.3	Training Costs	17-1
RULE 18	APPEAL PROCEDURE	18-1
Section 18.1	Purpose	18-1
Section 18.2	Definition of Grievance	18-1
Section 18.3	Grievance Procedure	18-1
Section 18.4	Investigation of Facts/Decision of Department Head	18-1
Section 18.5	Appeal to Personnel Director	18-2
Section 18.6	Employee Meeting	18-2
Section 18.7	Written Decision	18-2
Section 18.8	Regulations During Grievance Procedure	18-2
Section 18.9	City Council's Decision	18-4
Section 18.10	Regulations During Grievance Procedure	18-4
RULE 19	REPORTS AND RECORDS	19-1
Section 19.1	Personnel Files	19-1
Section 19.2	Access to Administrative Records	19-1
Section 19.3	Employee Access to Their Personnel Records	19-1
Section 19.3.1	Inspection of File	19-1
Section 19.3.2	Copies	19-1
Section 19.4	Access to Personnel Records by Department Heads	19-2
Section 19.5	Destruction of Records	19-2
Section 19.6	Purging of Employee Discipline Records	19-2
Section 19.7	Address Notification	19-2
Section 19.8	Performance Evaluations	19-2
RULE 20	HARASSMENT POLICY	20-1
Section 20.1	Purpose	20-1
Section 20.2	Policy	20-1
Section 20.3	Definitions	20-1
Section 20.4	Retaliation	20-3
Section 20.5	Reporting Harassment, Discrimination or Retaliation	20-3
Section 20.6	Supervisory Resolution	20-4
Section 20.7	Formal Investigation/Response	20-5
Section 20.8	Responsibilities of Employees, Management and Supervisory Employees	20-6
Section 20.9	Disposition of Complaints	20-7
Section 20.10	Documentation of Complaints	20-8
Section 20.11	Questions Regarding Discrimination or Harassment	20-8
Section 20.12	Workplace Violence	20-8
RULE 21	SUBSTANCE ABUSE	21-1

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Section 21.1	Introduction	21-1
Section 21.2	Purpose	21-1
Section 21.3	Policy	21-1
Section 21.4	Application	21-2
Section 21.5	Employee Responsibilities	21-2
Section 21.6	Employee Complaint	21-3
Section 21.7	Management Responsibilities and Guidelines	21-3
Section 21.8	Employee Assistance Program	21-4
Section 21.9	Confidentiality	21-5
Section 21.10	Compliance	21-5

RULE 22 MISCELLANEOUS

Section 22.1	Dress Code	22-1
Section 22.2	Outside Activities	22-1
Section 22.3	Other Public Offices	22-2
Section 22.4	Official Badge or Insignia	22-2
Section 22.5	Purchase Order	22-2
Section 22.6	Operating a City Vehicles	22-2
Section 22.7	False Information	22-3
Section 22.8	Release of Information	22-2
Section 22.9	Employment of Related Persons	22-3
Section 22.9.1	Definition of “Related Person”	22-3
Section 22.9.2	Prohibited Conduct	22-3
Section 22.10	Meals and Breaks Periods	22-3
Section 22.11	Time Sheets	22-3
Section 22.12	Seatbelts	22-3
Section 22.13	Smoking	22-4
Section 22.14	Fitness for Duty	22-4
Section 22.14.1	Conditional Offer of Employment Examinations	22-4
Section 22.14.2	Current Employee Examinations	22-4
Section 22.14.3	Role of Health Care Provider	22-4
Section 22.14.4	Medical Information	22-4
Section 22.14.5	Medical Information from the Employee’s Health Care Provider	22-4
Section 22.14.6	Interactive Process Discussion	22-5
Section 22.14.7	Determination	22-5

RULE 23 COMPUTER, INTERNET, ELECTRONIC MAIL, AND VOICE MAIL

Section 23.1	Introduction	23-1
Section 23.2	Purpose	23-1
Section 23.3	Applicability	23-1
Section 23.4	General Provision	23-1
Section 23.5	No Expectation of Privacy	23-1
Section 23.6	Ownership	23-1
Section 23.7	Prohibited Uses	23-2
Section 23.8	Violations of This Policy	23-3

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

RULE 24 COBRA

Section 24.1	Continuation Rights as an Employees	24-1
Section 24.2	Continuation Rights as a Spouse	24-1
Section 24.3	Continuation Rights of Dependant Child	24-1
Section 24.4	Notice Requirements	24-1
Section 24.5	Premium Payment	24-2
Section 24.6	Length of Continuation Coverage	24-2
Section 24.7	Extension of Continuation Coverage	24-2
Section 24.8	Pre-existing Medical Conditions	24-3
Section 24.9	Social Security Disability	24-3
Section 24.10	State Continuation Rights	24-3

MERIT PERSONNEL SYSTEM

Section 1.1 Purpose

The purpose of this personnel system is to:

1. Establish an equitable and uniform procedure for dealing with personnel matters;
2. Attract the most competent and desirable persons available for employment;
3. Assure that appointment and advancement of employees are based on merit and ability; and
4. Provide reasonable security for qualified employees.

The objectives of these personnel rules and regulations are to facilitate efficient and economical service to the public and provide for a fair and equitable system of personnel management in the municipal government. These rules and regulations set forth those procedures and policies which ensure similar treatment for those who compete for original and promotional employment and define certain obligations, rights privileges, benefits, and prohibitions which are placed upon all employees in the service of the City.

Section 1.2 Personnel System Organization

The City Manager has final responsibility for all personnel actions, except those reserved to the City Council. Each department head exercises direct line authority for personnel functions described in these rules and regulations. The City Manager shall administer the personnel system. He/she may delegate personnel duties for the effective administration of the system to the Personnel Director or his/her designee.

Section 1.3 Merit Employment Policy

It is the policy of the city to provide for an employment system, which assures that employees are selected, promoted and retained on the basis of merit. It is the intent of this system to provide fair and equitable treatment to all applicants for employment. The screening and selection of the employees shall be on a specific job related basis. The potential and actual performance of employees within the city shall guide employment decisions with the goal of providing a high performance work force for the residents of the City.

Section 1.4 Intent of the Personnel System

1. Employment Standards: The City Council and all the citizens of Lindsay have the right to expect that the City will employ the best qualified persons available, that the tenure of every City employee will be based on a demonstrated need for the work performed, availability of funds, competent effective performance, proper personal conduct, and continuing fitness for the position.
2. City Responsibility to employees: Each employee of the City of Lindsay has the right to expect: To be fully informed of his or her duties and

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

responsibilities; to be provided with adequate administrative and supervisory direction; to be informed of job expectations and desired work behaviors; that promotions will be made on the basis of merit and ability; and progressively improved work performance over an extended period will be recognized and rewarded; that incompetence and misconduct will not be tolerated; and that suspensions, demotions, terminations, and other disciplinary actions will be administered in a fair and impartial manner.

Section 1.5 Prior Policies Repealed

If the terms and provisions of these personnel rules and regulations are inconsistent or in conflict with the terms and provisions of any prior City of Lindsay (“City”) personnel rules and regulations this policy shall prevail and such inconsistent or conflicting provisions or prior resolutions, rules and regulations this policy shall prevail and such inconsistent or conflicting provisions or prior resolutions, rules and regulations are hereby repealed.

Section 1.6 Priority of Collective Bargaining Agreements

If a provision of these rules conflicts with any provision of an applicable collective bargaining agreement entered into by the [Agency] and a recognized employee organization, to the extent of such conflict, the provision of the collective bargaining agreement shall be deemed controlling unless the provision of these rules has been negotiated more recently.

Section 1.7 Terms of Personnel Manual

These personnel rules and regulations shall take effect when approved by the City Manager of the City. The manual shall remain in effect unless repealed, in whole or part, by the City Manager. The City Manager may in his/her sole discretion add to, delete or otherwise modify these personnel rules and regulations, subject to the following paragraph.

Prior to amendment of these personnel rules and regulations, the City Manager shall consult with City employees or, if required, upon request, meet and confer with affected recognized employee organizations.

Section 1.8 Non-Discrimination

The City shall comply with applicable federal and state laws governing fair employment practice and equal opportunity. The City strictly prohibits unlawful discrimination. This includes discrimination on the basis of sex, sexual orientation, gender identity, national origin, race, color, ancestry, religious creed, physical or mental disability, medical condition, age, marital status, citizenship status, uniformed service member status or any other protected class under applicable law.

Section 1.9 Application of Personnel Rules and Regulations

These personnel rules and regulations have been developed to serve the City of Lindsay and all employees of the City of Lindsay unless specifically excluded. Its contents and all appropriate references represent the rules and practices to which all employees of the City are held accountable.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Section 1.10 Violations of Rules and Regulations

Violation of the provisions of these rules and regulations shall constitute grounds for disciplinary action. A violation shall not make disciplinary action mandatory but shall be given such weight as shall be appropriate in view of all the circumstances.

Section 1.11 Employee Responsibility

It shall be the responsibility of each employee to become aware and be knowledgeable of these personnel rules and regulations.

Section 1.12 Administrative-Department Policies and Procedures

The City Manager or individual city department heads may develop and administer supplemental written department policies and procedures as deemed necessary for the efficient, safe and orderly administration of the City or department. However, no such policies or procedures shall conflict with or supersede these personnel rules and regulations, other Council resolutions and ordinances, or existing laws. Copies of department policies and procedures should be distributed to each employee of the department.

Section 1.13 Distribution of Personnel Policies

A copy of these personnel rules and regulations shall be distributed to each City employee and each recognized employee organization. Newly hired employees shall receive a copy upon hire. Copies of these personnel rules and regulations shall also be distributed to each department of the City. Department heads shall make them accessible to employees. Copies shall be available in the personnel office. Employees with questions about these personnel rules and regulations may direct them to his or her immediate supervisor, the department head or to the personnel office.

Section 1.14 No Contract Created

These rules do not create any contract of employment, expressed or implied, or any rights in the nature of a contract.

Section 1.15 Severability Clause

If any provision, or the application(s) of any provision of these personnel rules and regulations is implemented is rendered or declared invalid by any final court action or by reason of any preemptive legislation, the remaining provisions of these personnel rules and regulation shall remain in full force and effect. Nothing these personnel rules and regulations shall be construed to deny any person or employee the rights granted by federal and state law. The rights, powers and authority of the City Manager in all matters, including the right to maintain any legal action shall not be modified or restricted by these regulations.

DEFINITION OF TERMS

Section 2.1 Unless the context indicates otherwise the terms used in these personnel rules and regulations are fined as follows:

Abandonment of Position – The failure to report to work for three consecutive regular work shifts without notification by the employee and approval of the City.

Acting Appointment – An appointment of a person who possesses at least the minimum qualifications established for a particular class and who is appointed to a position in that class in the absence of available eligible incumbents, or on an interim basis pending later appointment of an eligible person.

Advancement – A salary increase within the limits of pay range established for a class.

Allocation – The assignment of a single position to its proper class in accordance with the duties performed, and the authority and responsibilities exercised.

Anniversary Date – One calendar year from the date of the employee’s probationary appointment with the City and each succeeding year thereafter, unless the probationary period was extended. An employee’s anniversary date shall be determined by applying the continuity of service requirements of these rules.

Appeal – A written request by an employee for consideration in matters relating to grievance and/or discipline as set forth in these rules.

Appointment – The offer to, and acceptance by, an individual for a position in the competitive service.

Applicant – Any person submitting a formal completed application for employment with the City.

Appointing Authority – The City Manager is the appointing authority for all City employees and the City Council shall appoint the City Manager. The City Manager may delegate appointing authority. Further delegations of appointing authority must be approved by the City Manager.

Authorized Position – A specific work position within a job classification that is or may be held by and employee.

Benefit Date – For the purpose of sick and vacation leave accrued, the benefit date is defined as follows for all employees: (a) if the first working day of the pay period was worked, the benefit date will be the first day of that pay period. (b) if the employee started anytime after the first working day of the pay period, then the benefit date will be the first day of the following pay period. (c) if an employee is absent without pay for any period of time his or her benefit date will be adjusted to reflect the deduction of the period of time in which the employees was absent without pay.

Break in Continuous Service – Separation of the employee from City employment initiated by either the City of the employees for any period without pay.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Bulletin Board – The official posting place for public notices.

Certification – The furnishing of names by the personnel officer of eligible, available candidates for employment, from an employment list in the manner prescribed in these rules.

Class – A result of grouping together those positions that are similar in duties, authority, and responsibility, so that the same requirements as to education, general knowledge, and ability may be required of incumbents, and permit grouping under a common title with common standards of selection, and with the same schedule of compensation. Individual positions in the same class may be assigned different duties and responsibilities.

Class Specification – The official description of a class including (1) title, (2) a definition, (3) a statement of the duties and responsibilities, and (4) the employment standards, such as education, experience, knowledge and skills, and abilities which may be required of applicants.

Classification Plan – The arrangement of positions in classes, together with the title and specifications describing each class.

Compensation – Salary, wages, fees, benefits, allowances or any other consideration paid to an employee for performing the duties or exercising the responsibilities of a position.

Compensatory Time – Time off from work in lieu of monetary payment for overtime work.

Continuous Service – Employment in a regular position that is uninterrupted from the effective date of the appointment except an authorized absence with pay or as required by law.

Contract Employees – Contract employees are those individuals employed by the City pursuant to the terms of an individual employment contract that sets forth terms and conditions of employment. Unless expressly stated herein, the provisions of these personnel rules and regulations shall not be applicable to contract employees.

Days – Means calendar days unless otherwise stated.

Demotion – The movement of an employee from a position in one class to another class, the next class having a lower maximum base rate of pay.

Department – A major administrative branch of the City involving a general line of work with one or more employees under the charge of one or more individuals known as supervisors.

Department Head – The individual designated as the administrative head of a City department. The City Manager is the Department Head of the other departments heads.

Disciplinary Action – The termination, demotion, reduction in pay, or suspension of a regular employee for cause.

Eligible – A person whose name is on an employment list.

Employee – A person who is legally occupying a position in the City's service or who is on an authorized leave of absence for such position.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Employee (Emergency) - A person employed by the City for a temporary period of time to meet emergencies, which threaten life, property, or the general welfare of the City. An emergency employee serves at the will of the City Manager or designee and may be removed at any time without cause.

Employee (Part-Time) – A person employed by the City for specifically designated hours less than full time. A part time employee serves at the will of the City Manager or designee and may be removed at any time without cause.

Employee (Probationary) – A person employed by the City in a regular full-time position who has not completed the probationary period.

Employee (Regular) – A person employed by the City in a full-time capacity who has successfully completed his/her probationary period and has been retained according to the provisions of these rules. The term does not include an elected official.

Employee (Temporary) – A person employed by the City full-time or part-time for some specific work that is temporary in nature. A temporary employee serves at the will of the City Manager or designee and may be removed at any time without cause.

Employee (Extra Help) - An employee who is appointed to a position with less than year-round funding. Extra-help employees shall be compensated on an hourly basis shall not be eligible for participation in any benefit plans except as required by law and serves at the will of the City Manager or designee and may be removed at any time without cause.

Employment Date – Date on which an employee was hired to fill a position with the City.

Employment List – A list of names of persons who may be considered for employment with the City under specified conditions. Employment lists will be prepared as needed under the direction of the Personnel Director.

Evaluation Date – For the purpose of step advancement, this term shall mean the date upon which the employee’s most recent step advancement occurred.

Examination – An examination for a particular class, which is open to persons meeting the qualifications for the class.

Exempt Employee – The City Manager, department heads, executive or professional staff, administrative technical staff, and others whose duties and responsibilities allow them to be “exempt” from the overtime pay provisions as provided by the Federal Fair Labor Standards Act (FLSA) and any applicable state laws.

Fiscal Year – The fiscal year for the City begins on July 1 and ends on June 30 of the next year.

Full-time Position – A budgeted position in which an employee of the City is regularly scheduled to work at least forty (40) hours per week and/or no less than two thousand eighty hours per year.

Grievance – The formal allegation made by an employee that the City, or one of its representatives has violated, misinterpreted, or misapplied the provisions of the Memorandum of

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Understanding and/or City personnel ordinances, rules and regulations, or administrative directives.

Grievance Procedure – The systematic means set forth in these personnel rules and regulations by which an employee may obtain consideration of a grievance.

Job Description – Description of duties, responsibilities, and minimum qualification requirements of the positions included in the class.

Lay-off – The separation of employees from the active work force due to shortage of work or funds, or due to the abolition of positions by the City Manager and/or City Council for the above reasons or due to organization changes.

Leave of Absence – An authorized absence from duty for a specified period.

Memorandum of Understanding – (M.O.U.) An understanding reached with a recognized employee organization as a result of meeting and conferring on hours, wages, and working conditions in accordance with State law and City ordinances, resolutions and rules.

Minimum Qualifications – The minimum qualifications deemed necessary for a candidate to possess for selection to fill a vacancy and to maintain employment with the City.

Oral Interview or Qualifications Appraisal Board – Part of an examination conducted by a competent board to evaluate the candidate's education, experience, and general qualifications pertinent to the position for which examined.

Out-of-Class Pay – The salary an employee shall receive for working in a classification having a higher salary range than the one to which that employee was appointed during a period of time or these rules. .

Overtime – Time worked in excess of 40 hours in a work week or as provided in an applicable M.O.U.

Part-time Position – A position in which an employee of the City is regularly scheduled to work less than forty (40) hours per week and/or less than two thousand eighty hours per year.

Performance Evaluation – A review and evaluation of an employee's performance and capabilities in the employee's authorized position by the employee's immediate supervisor and/or other member of management at designated intervals and filed in the employee's official personnel file; minimum of one evaluation annually.

Personnel Director – The employee of the City designated to manage the personnel function of the City. The Personnel Director may delegate one or more of those functions to subordinates.

Personnel Rules and Regulations Manual - This Group of personnel rules and regulations concerning employment with the City of Lindsay.

Personnel Records – The official records of the City for each employee, maintained by and in the personnel office, except records that may be required to be maintained in other locations.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Position – A specific office or employment provided by the budget, whether occupied or vacant, of limited term or regular, and requiring the performance of certain duties and responsibilities assigned or delegated by the appointing authority.

Probationary Period – A period from original date of hire to be considered an integral part of the examination, recruiting, testing and selection process during which an employee is required to demonstrate fitness for the position to which the employee is appointed by actual performance of duties of the position.

Professional Employee – Management, supervisory and technical employees engaged in work requiring specialized knowledge and skills as so designated by the City.

Promotion – The movement of an employee from a position of one class to a position in another class having a higher maximum salary rate, generally with an increase in duties and responsibilities over the employee's present class.

Promotion – The movement of an employee from a position of one class to a position in another class having a higher maximum salary rate, generally with an increase in duties and responsibilities over the employee's present class.

Promotional Probationary Period – The initial period of service by an employee in a promotion position, this period to be considered an integral part of the examination, testing and selection process during which an employee is required to demonstrate fitness for the position to which promoted by actual performance.

Reclassification – Modification of job title and corresponding salary range adjustment supported by an appropriate classification analysis prepared under the direction of the Personnel Director, or designee which identifies a change in level of difficulty and/or responsibilities between the existing job description and actual job duties.

Reduction in Pay – A temporary or permanent decrease in salary.

Regular Position – A budgeted position, the duties of which do not terminate at any stated time.

Reinstatement – The restoration without examination of a former regular employee to a classification in which the employee formerly served as a regular non-probationary employee within one year of separation from the City.

Rejection – The termination or demotion of an employee during a probationary period.

Relief of Duty – The temporary assignment of an employee to a status of administrative leave with pay.

Reprimand – An oral or written notification to an employee regarding a censure made as a disciplinary action.

Resignation – Voluntary termination of employment by an employee, including the abandonment of the position.

Salary – The wages paid for services performed.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Salary Increase – An increase in salary for a classification as a result of the meet-and-confer process and/or City Manager or City Council action.

Salary Range – Categories, which determine the minimum and maximum salary with appropriate steps for each employment classification.

Seniority – Precedence of one employee over another based on length of service within the classification, department, and City to be determined by continuous employment from the date of hire into a regular position.

Separation – The voluntary or involuntary end of City employment.

Smoking – Includes any lighted cigarette, cigar or pipe.

Standard Work Week – Any consecutive seven (7) day period, as determined by the City, beginning at 12:01 A.M. on the first day, and ending at 12:00 midnight on the seventh day, and consisting of forty (40) hours.

Step Increase – A salary increase of one or more steps within the limits of the salary range established for a class.

Supervisor – A person having authority in the interest of the City to direct employees, or to adjust grievances, or effectively to recommend any such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

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

Termination – Separation from City employment for disciplinary reasons or as a result of rejection during a probationary period.

Transfer – The movement of an employee within a department or between departments from one position to another position in the same class or another class having the same maximum salary.

Vacancy – An unfilled authorized position in the City of Lindsay employment.

Work Shifts – The days of the week and the hours on each of those days that an employee is assigned to work on a regular basis.

Section 2.2 Construction In General

The provisions of these rules and regulations and proceedings under them shall be construed with the view to affect their purpose and to promote justice.

Section 2.3 Prohibited Acts Include Causing or Permitting

An act or omission, which is unlawful under these rules, including causing, permitting, aiding, abetting, suffering, or concealing the act or omission.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Section 2.4 Reference to Rules Includes Amendments

When a reference is made to a portion of these rules and regulations, or to an ordinance of the City, the reference applies to each amendment and addition, which may be made to it.

Section 2.5 “Shall” and “May”

“Shall” is mandatory and “May” is permissive.

GENERAL PROVISION

Section 3.1 Fair Employment

During the selection process the City will not attempt to elicit information concerning race, color, ancestry, national origin, sexual orientation and/or gender identity, marital status, physical or mental disability, medical condition, age, citizenship status, political or religious opinions or affiliations of an applicant. Appointment or removal from a position shall not be affected or influenced by consideration of race, color, ancestry, national origin, sexual orientation, and/or gender identity, marital status, physical or mental disability, medical condition, age, citizenship status, political or religious opinion or affiliation or other category protected by law.

Section 3.2 Violation of Rules and Regulations

Violation of these rules is grounds for suspension, demotion, dismissal or other disciplinary action appropriate under the circumstances.

Section 3.3 Amendment and Revision of Rules and Regulations

It is fully recognized that rules and regulations, practices, procedures and policies may require modification to reflect changing needs and more effective methods as they are developed. These rules and regulations may be appropriately revised to reflect such needed changes.

CLASSIFICATIONS

Section 4.1 Purpose

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

Section 4.2 Classification Plan

The classification plan consists of classes and positions defined by class specification, including the title. The classification plan shall be maintained so that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same class, and that the same schedule of compensation may be made to apply with equity under similar working conditions to all positions in the same class.

Section 4.3 Administration

The Personnel Director will continually review the classification plan based on the job analysis. The Personnel Director shall ascertain and record the duties and responsibilities of all positions in the competitive service, and make a recommendation to the City Council or City Manager of a classification for such positions. Changes in classifications, which result in a salary that falls outside the limits of the department budget, shall be approved by the City Manager.

Section 4.4 Classification of Positions

Each position shall be allocated to the appropriate class in accordance with the character, difficulty, and responsibility of its assigned duties. Positions in a single class shall be sufficiently similar to permit substantially the same level of skill, knowledge, ability, and other qualifications required of incumbents, the same or similar selection method and the same schedule of compensation.

Section 4.5 Classification of New Positions

All new full-time positions require City Council authorization. The Personnel Director shall recommend the proper assignment of any new positions to a class in the classification plan, or when appropriate, create a new class. When a new position is created and is classified before it is occupied, such position shall be subject to review by the Personnel Director after it is occupied to determine if the incumbent is performing the duties of the class.

Section 4.6 Reclassification

The classification plan may be amended from time to time. The assigned duties of positions, which have been materially changed over time by the City so as too necessitate reclassification, whether new or already created, shall be allocated by the City Manager to a more appropriate class. Reclassification shall not be used for the purpose of avoiding restrictions concerning demotions and promotions, nor to effect a change in salary in the absence of a significant change in assigned duties and responsibilities. During the process of consideration, any recognized employee organization affected shall be advised. Amendments and revisions of the plan may be

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

suggested by any interested party, including any recognized employee organization and shall be submitted to the City Manager.

The City Manager may approve the reallocation of a position to a different class or approve the creation of a new class whenever the duties of the position change materially over time. This may occur upon the recommendation of the department head, or upon the request of an employee and with concurrence of the department head. When any change is made within a Department, which significantly affects the duties and responsibilities of any position, the appointing authority shall report these facts in writing to the Personnel Director. The Personnel Director or designee shall make a classification study of the duties and responsibilities and the relationship to other classes or positions. The Personnel Director may study the allocation of any position in the Classification Plan and make recommendations to the City Manager for a change in class or the allocation to a more appropriate class. The department head shall be consulted before a classification study is begun in his or her department. Studies may be initiated in the following manner:

1. Written request, submitted by the department head, due to reorganization of a department caused by a lack of funds, lack of work, or where the department reorganization would be for the betterment of the delivery of services or when the duties of a position have materially changed over time.
2. Referral from the City Manager.
3. When possible authorization of a new position is indicated.
4. Regular, periodic maintenance of the Classification Plan or when the Personnel Director identifies a need to study an existing position.

A change in classification on an occupied position shall affect the status of the incumbent in the following manner:

1. When a position is moved to a class with the same or higher salary range, the incumbent may retain the same status in the new class that was held in the prior class. The duties should have evolved over a period of time and be basically the same duties and responsibilities as were performed by the incumbent.
2. When a position is reallocated to a class in a related series with a lower salary range, incumbents may choose to retain the position by accepting voluntary demotion or may request a transfer, if available, for the class from which the position was moved. If neither of the foregoing is chosen, the normal layoff procedures will be followed.

Section 4.7 Job Descriptions (Specifications)

The Personnel Director or designee with the assistance of the department heads shall prepare written specifications for each class of positions. The official copy of the specifications for each class shall be maintained in the personnel office and shall indicate the date of approval or last revision.

Each specification shall include the class, title, a brief description of the scope, nature, and responsibility of the class, a description of the tasks or duties ordinarily performed in the

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

positions allocated to the class; a statement of the minimum qualifications considered necessary for proficient performance of the work, including education, experience, training, knowledge, skills, physical characteristics, and any additional factors considered pertinent. Specifications are not restrictive. A department head may temporarily assign other related duties and responsibilities or otherwise direct the work of employees.

No person shall be appointed to any position unless that person meets the minimum qualifications set forth in the currently approved class specification for that position or meets the permissible equivalency provisions of these rules.

Section 4.8 Vacancies

When a permanent vacancy occurs in an authorized position, the department head may fill the vacant position with an existing employee or someone who is not currently employed. The department head may determine that it is in the City's best interest to leave the position vacant. Individuals will be chosen to fill the vacancy based on merit.

Section 4.9 Evaluations

All personnel of the City of Lindsay are subject to periodic evaluations of their work performance. Each person will be rated by his or her immediate supervisor and/or past supervisor depending on the length of time a person has been assigned to a particular supervisor. Each probationary employee shall be rated at the end of the third, sixth, ninth, and eleventh months of his/her probationary period, while each regular employee shall be rated thirty days prior to the employee's anniversary date. Performance evaluations will consist of both a written evaluation report and an evaluation interview. The written report will be prepared and used as a guide during the evaluation interview. Each supervisor shall use the City form obtained from the Personnel Director or designee. The completed form will be dated and signed by the supervisor and the employee after the interview. The completed form will then be forwarded to the department head who in turn will supply the original to the Personnel Director.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

RULE V

COMPENSATION

Section 5.1 Preparation of Salary and Wage Plan

Upon request of the City Manager, the Personnel Director shall recommend a wage and salary plan. The Personnel Director shall consult with each department head and give consideration to prevailing rates of pay and working conditions for comparable work in other public and private employment, the difficulty and responsibility of the work, current costs of living, suggestions of department heads, the City's financial condition and other relevant factors.

Section 5.2 Adoption and Application of Plan

The City Council shall adopt a salary and wage plan and may amend it from time to time. At the time the City Council considers it, interested persons may appear and shall be heard. Suggested changes may be submitted to the City Council through the City Manager. Said adoption will be accomplished during the budget process.

Section 5.3 New Employees

A new employee shall be appointed to the first step of the salary range to which his/her class is assigned, except as follows: where it is difficult to locate qualified personnel, or when it appears that the education and previous training or experience of a proposed employee is substantially superior to those required at the beginning level of the class and justify a beginning salary in excess of minimum compensation. The City Manager may authorize hiring at a higher step in such cases.

Section 5.3.1 Advancement Within Salary Range

Advancement within the salary range is not automatic. An increase is made on the basis of merit as established by the employees' work performance and after written recommendation of the department head. The department head shall set forth the source of funding for the raise, and show that adequate funds are available for the raise when given and in the coming fiscal years. Any advancement must be approved by the City Manager or designee. An employee who fails to receive in-grade salary advancement shall be notified in writing as to the reason.

Section 5.3.2 Special Salary Adjustments

In order to correct gross inequities or to reward outstanding achievement and performance, (exceptional service) the City Manager may upon recommendation of the department head adjust the salary rate of an employee to any step in his/her existing salary range or up to 10% above the range if the employee is at the top step. (See 5.5)

Section 5.3.3 Applicable Pay Rates

- (1) Following promotion. When promoted, an employee begins at step A of the range into which promoted or one step higher than his/her current salary, whichever is higher. The new anniversary date is the date of promotion.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

- (2) Following demotion. In the case of the demotion to a class with a lower maximum salary, an employee shall be assigned to the same salary step in the new class, assuming that his/her service has been continuous in the new class. The employee shall retain his/her previous anniversary date.
- (3) Following transfer. Where an employee is transferred from one position to another in the same class or to another class to which the same pay range is applicable, the employee retains the same pay step and anniversary date.
- (4) Following salary range increases and decreases. Where a pay range is revised upward or downward, the incumbent of a position in the affected class is entitled to a pay adjustment to the same relative step in the new pay range. The anniversary date does not change.

Section 5.4 Deductions

Each deduction from an employee's wages shall be made in accordance with prevailing laws, contracts, rules and regulations.

Section 5.4.1 Deductions Required by Law and Contracts

Deductions include federal withholding tax, state withholding tax, social security tax, city retirement premium, paid family leave, and SDI.

Section 5.4.2 Written Authorization From Employee

Authorization is required for group medical, dental, hospitalization, disability, life insurance premiums, credit union, and any other deduction approved by the City Manager.

Section 5.4.3 Claims

Claims for non-payment of debts for the purpose of garnishing employees' wages shall be made to the Director of Finance under Section 710 of the Code of Civil Procedure.

Section 5.5 Salary Adjustment

The factor of exceptional service is intended to recognize exceptional performance in which an employee is performing service substantially above the level of proficiency normally expected in the class or is producing results consistently superior to that normally expected of employees in the class. It does not include unusual acts or results caused by unusual conditions beyond the control of the employee, to which he/she demonstrated a normal reaction under the circumstances. This award may not be used in an attempt to solve a pay or classification inequity. We suggest you move this paragraph to Section 5.3.2

Section 5.6 "Acting" Capacity

An employee, who temporarily assumes the duties of a superior position for an extended period of usually one (1) month or more, may upon approval of the City Manager receive premium pay commensurate with the duties assumed.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Section 5.7 Terminal Pay

An employee who is terminated is entitled to terminal pay:

- (1) That portion of the final pay period from the first day of the final pay period to the effective date of separation. The day of separation is either the working day specified for separation or the last day of the pay period if no date is specified.
- (2) Accrued vacation actually earned but not taken.
- (3) Accrued overtime.

Section 5.7.1 Employees' Death

In case of employee's death the City shall pay the employee's beneficiary the sums set forth in 5.7 if he or she has so designated one; otherwise, terminal pay is paid to his or her estate.

Section 5.7.2 City Property

Terminal pay is paid to an employee only upon submission by the employee of all city-owned property in his/her possession including keys, badges, etc.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

RULE VI

APPLICATIONS AND APPLICANTS

Section 6.1 Employment Standards

It is the policy of the City to employ the best-qualified and most competent person available. Selection is made on the basis of merit and such applicable standards as demonstrated ability, skills and experience, training aptitude, intelligence and character.

Section 6.2 Applications

The City shall make official application forms available in a manner, which will facilitate effective recruiting. The form shall require information covering training, education, experience, and other pertinent information, and may include references. The applicant must sign the application.

Section 6.3 Application Filing

Each person participating in a scheduled selection process for employment shall have completed and filed an official application form for that recruitment. The personnel office must receive the official application form no later than the date and time of the last filing deadline as published in the announcement. Each applicant must sign the application form certifying that all statements are correct. Persons applying for a position must comply with the following conditions:

1. Meet the general conditions pertaining to the filing of an application.
2. Meet the specific requirements as shown on the announcement for a particular position;
3. Meet the right-to-work in the United States or citizenship requirement, and
4. Be willing and able to accept the employment in the present vacant position or a future similar vacant position, if employment were offered.

The name of persons applying for City positions or the evaluation of their participation in any selection process shall not be made public. Applications will be accepted when recruitment has begun for a position.

Section 6.3.1 Character

The City may require an applicant to furnish evidence of good character.

Section 6.3.2 Physical and Psychiatrist Examination

The City may require an applicant to undergo physical and/or psychiatric examination at the City's expense.

Section 6.3.3 Credit Rating

The City may require satisfactory credit ratings of employees.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Section 6.3.4 Residency

Residence in the City at the time of application is not a requirement. However, the City Manager or department head may require certain classes of employees to live within a specified response time of the City.

Sections 6.4 Standards – Operation of Motor Vehicle

If driving a vehicle is required for the job the applicant must be able to show:

- (a) The ability to possess a valid California driver's license
- (b) The ability to drive safely
- (c) The ability to operate a motor vehicle in all types of weather conditions

Section 6.4.1 Personal Integrity

The City will consider evidence of personal integrity such as:

- (a) Refusing to yield to the temptation of bribes, gratuities, pay offs, etc.
- (b) Refusing to tolerate unethical or illegal conduct on the part of other personnel.
- (c) Showing strong moral character and integrity in dealing with the public.
- (d) Being honest in dealing with the public.

Section 6.4.2 Dependability

The City will consider evidence of dependability such as:

- (a) Having a record of submitting reports or completing assignments on time and not malingering on jobs.
- (b) A record of being motivated to perform well.
- (c) A record of dependability and ability to follow through on assignments.
- (d) A history of taking the extra effort required for complete accuracy in all details of work.
- (e) A willingness to work the hours needed to complete a job.

Section 6.5 Disqualification of Applicant

The Personnel Director may eliminate from the selection process, remove from the eligible list, or refuse to certify the name of any person:

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

- (a) Who does not meet the minimum qualifications established for the class or position to which they seek appointment;
- (b) Who has made a false statement, misrepresentation, or omission of material fact or actual or attempted deception, fraud or misconduct in connection with his or her application
- (c) Who has improperly used or attempted to use any personal or political influence to further his or her eligibility for appointment;
- (d) Who has been terminated for good cause from previous employment.
- (e) Who has failed to submit an application correctly within the prescribed time limit;
- (f) Who has directly or indirectly obtained information regarding examinations to which applicants are not entitled;
- (g) Who has failed any part of the selection process for the same position within the last six months
- (h) Who is physically or psychologically unfit for the performance of essential functions of the position and such unfitness cannot be reasonably accommodated.
- (i) Who has been convicted, including pleas of guilty and nolo contendere, of any felony or a misdemeanor, which was of such a nature as to reflect adversely and substantially on the applicant's ability to perform the duties of the position. The City Manager may disregard such convictions if it is found and determined by the City Manager that mitigating circumstances exist.
- (j) For any other material cause which in the judgment of the Personnel Director would render the applicant unsuitable for the position, including a prior resignation from the City, termination from the City or a significant disciplinary action.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

RULE VII

EXAMINATIONS AND ELIGIBLE LISTS

Section 7.1 Conduct of Examinations

The Personnel Director is responsible for examinations except when the City Manager determines that examination for a particular class should be conducted by the department concerned.

Section 7.2 Nature and Types of Examination

The selection techniques used in the examination process shall be impartial and related to those subjects which, in the opinion of the department head, fairly measure the relative capacities of the person examined to execute the duties and responsibilities of the class to which employed. Such techniques include: personal interview, written examination, performance tests, work samples, physical agility tests, evaluation of training and experience, physical examination, psychological tests, background investigation, or any combination of these or other tests. The probationary period shall be considered as a portion of the examination process. Examinations shall be designed to provide equal opportunity to all candidates by being based on an analysis of the essential requirements of the class, covering only factors related to such requirements.

Section 7.2.1 Continuous Examinations

Open-Competitive examinations may be administered periodically for a single class, as the needs of the service require.

Section 7.2.2 Promotional Examinations

It is the policy of the City to give open and competitive examinations for all positions except when the City Manager finds that there are a sufficient number of qualified candidates in city service or that the position requires special knowledge and familiarization. Promotional examinations may include any of the selection techniques mentioned in section 7.2 of this rule. Only employees who meet the requirements set forth in the examination announcements may compete.

Section 7.3 Scoring Examination and Qualifying Scores

A candidate's score in a given examination shall be the total of his or her scores on each competitive part of the examination weighted as determined for the selection process. Failure in one part of the examination shall be grounds for declaring such applicant as failing the entire examination or as disqualified for subsequent parts of an examination.

Section 7.4 Notice of Examination Results

Applicants shall be notified by mail concerning the results of their participation in the selection process. Said notification shall indicate whether or not the applicant has been placed on the employment list.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Section 7.5 Establishment of Eligible List

As soon as possible after the completion of an examination, the Personnel Director or designee shall score the examination and prepare an eligible list in numerical ranking based on the candidate's grade. One of the candidates with the top five highest test scores should be appointed. If the department head chooses to appoint an individual who is not in the top five written justification shall be made to the Personnel Director. The Personnel Director shall review the written justification and recommend approval or denial to the City Manager for final action.

Section 7.5.1 Duration of List

An eligible list other than one resulting from a continuous examination remains in effect for one year, unless abolished, exhausted or extended by the City Manager. Any extension shall be for an additional period of not more than three (3) months.

Section 7.5.2 Re-employment List

The name of each regular employee who has been laid off shall be placed on an appropriate re-employment list in the order of total continuous cumulative time served in probationary and regular status. The names remain for three (3) months unless the persons are sooner re-employed.

Section 7.6 Removal of Name From List

The Personnel Director may remove the name of an eligible applicant from the employment list:

- (1) For ground set forth in Rule VI, Section 6.4, entitled Disqualification of applicants;
- (2) On receipt of a statement from the eligible applicant indicating a lack of interest in the class or employment.
- (3) On evidence that the eligible applicant cannot be located;
- (4) On evidence that the eligible applicant fails to respond to a notice mailed to the last designated address within five (5) working days following the mailing of notice;
- (5) On report of an unsatisfactory background investigation;
- (6) If on a promotional list and separated from employment.

The person affected shall be notified of the removal of the name by a notice mailed to the last known address.

APPOINTMENTS

Section 8.1 Types of Appointments

A vacancy is filled by original appointment, reinstatement, re-employment, transfer, promotion, or demotion.

Section 8.2 Request to Fill Vacancy

The Personnel Director shall be notified when a vacancy is to be filled.

Section 8.3 Method of Appointment

The Personnel Director may send the list of eligibles to the department head as set forth in Rule VII, Section 7.5.1. If the department head; after interview desires, to make the appointment, he/she may do so subject to the approval of the City Manager. The department head may fill a vacancy by reinstatement, transfer, demotion, promotion, or re-employment, if permissible under these rules. This request shall be made prior to the Personnel Director undertaking any other method of appointment or establishing an eligibility list. If the Personnel Director (or City Manager if the employee is reinstated) grants permission to proceed with filling the vacancy in this manner, the Personnel Director shall notify the person, not the department head. If the person is offered the appointment and does not accept the appointment in writing, or present himself/herself for duty as prescribed, the appointment is considered rejected.

Section 8.4 Reinstatement

A regular employee who resigns in good standing may within one (1) year of his or her resignation be reinstated in a position in the class in which he or she previously had served or in a comparable class. A person may be reinstated only if a vacancy exists, the department head recommends reinstatement, and the City Manager approves. An employee reinstated is in a probationary status and is considered a new employee for purposes of vacation, sick leave and salary increases. If the Employee returns and is granted reinstatement within thirty (30) days, employment will resume as though uninterrupted and the employee will not be required to serve a probationary period.

Section 8.5 Re-employment After Lay-Off

A regular employee who is laid off in accordance with these rules is entitled to preference in filling a vacancy in the class or position previously held by that employee for a period of (3) months. An employee so re-employed retains all benefits accrued in prior service with the city. During the lay-off, no benefits accrue and the anniversary date shall be adjusted if the lay-off time exceeds thirty (30) days.

Section 8.6 Transfer

An employee may be transferred from a class in one department to a position of the same class in another department. Such transfer does not result in a loss to the employee of accumulated vacation, sick leave or overtime.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Section 8.7 Demotion

A position may be filled by demotion of an employee in accordance with these rules and regulations. An employee may be demoted in preference to being laid off.

Section 8.8 Nepotism

No person may be appointed or transferred into a position in the city in which a relative by blood, marriage or domestic partnership is employed. The City Manager may waive this prohibition based on the needs of the city.

Section 8.9 Temporary or Part-Time Appointments

Time spent under temporary or part-time appointment is not credited to the probationary period or counted toward salary eligibility. Time spent under temporary or part-time appointment is not credited to vacation, sick leave, or retirement benefits.

Section 8.10 Offer of Employment

Only the Personnel Director may extend offers of employment to selected candidates. Employment offers for all positions shall be made in writing and shall include starting salary on an hourly, weekly or monthly basis. An employment offer made in terms of annual salary shall not imply a yearly contract.

All appointments shall be classified as full-time, part-time or temporary and are defined as exempt or non-exempt for overtime pay. Employees will not change from part-time or temporary status to another status unless specifically informed of such a change, in writing by the Personnel Director. Part time and temporary employees serve at will and may be terminated at any time without cause or an opportunity for a hearing.

Section 8.11 Fingerprints / Live Scan

As a condition of employment, the City Manager may require a person seeking employment by the City to be fingerprinted prior to beginning employment or immediately thereafter. Refusal of an employee to be fingerprinted or failure to report for fingerprinting shall be sufficient cause for disqualification for employment or termination from employment. The Personnel Director shall establish and maintain a system for fingerprinting of employees. Fingerprint cards or live scan documents shall become a part of the employee's personnel folder to be cleared through the Bureau of Criminal Identification and Investigation of the State of California and other agencies as deemed appropriate. The fingerprint cards or live scan prints for law enforcement applicants shall be processed immediately.

Section 8.12 Medical Examination

Following a conditional offer of employment, prospective employees shall be required to complete a job related pre-placement physical and/or psychological examination. Conditional offers of employment are made contingent upon passing this examination; however, the city shall make reasonable accommodations to the special needs of any disabled individual as required by

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

law. A licensed physician chosen by the City without cost to the prospective employee shall perform such examination. The prospective employee shall be required to complete a medical history questionnaire and a medical records release as necessary to facilitate the examination. The physician will indicate the employee's fitness for employment on the examination form. In the event the examination is not completed prior to the employee's scheduled start date, only a tentative appointment may be made. Final appointment will be contingent on a satisfactory examination result.

Depending on the job-related physical characteristics required, a medical examination may be required for:

- (1) Entering employees;
- (2) Employees seeking a transfer from one position requiring general physical abilities to another position requiring different physical abilities and;
- (3) Employees returning to work from a medical leave of absence.

The physician conducting the medical examination shall be supplied with a current job description indicating the job-related duties and requirements of the position. The results of all medical examinations shall be confidential. Examination results for entering employees and employees transferring to another position shall **not** be kept in the employee's **personnel** file. No employee shall hold any position in which the employee is not able to perform the essential functions of the job **with or without reasonable accommodation if disabled**. The City Manager may require that employees take a psychological or a medical examination as it deems necessary in order to determine employees to be mentally and physically capable of performing the job without a significant risk to the health or safety of themselves or others.

Section 8.13 Driver's License and Driving Record

Employees who are required to drive are required to possess a valid California driver's license and maintain a satisfactory driving record as a condition of employment. Employees must immediately report to the Personnel Director any changes in driving privileges. Failure to do so may result in disciplinary actions.

Section 8.14 Employment Oath

All employees of the City shall complete and sign the Oath or Affirmation of Allegiance of Public Officers and Employees on the first day of employment in accordance with Article XX, Section 3 of the Constitution of the State of California. The City Clerk or other designated individual shall administer the Oath and a signed copy shall be included in the employee's personnel file.

Section 8.15 Identification Cards

The Personnel Director or department head shall issue employee identification cards to all employees of the City. Employee identification cards are to be used by employees in conducting business on behalf of the City. Employee identification cards are the property of the City and shall be surrendered to the City upon demand or separation from employment and prior to receiving payment of salary due at separation. Employees shall be required to immediately report lost or stolen identification cards to the Personnel Director.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Section 8.16 Keys

Keys to City facilities will be issued to employees so designated by the City Manager or his designee. Keys are the property of the City and shall be surrendered to the City upon separation from employment and prior to receiving payment of salary due at separation. Employees shall be required to immediately report lost or stolen keys to the Personnel Director.

Section 8.17 Other City Property

Other property issued to the employee belonging to the City shall be surrendered to the City upon demand or upon separation. The final salary due may be adjusted for failure to return issued property.

PROBATIONARY PERIOD

Section 9.1 Purpose

The probationary period is the final step in the selection process. It is an extension of the examination process and the employee’s performance shall be closely observed for securing the most effective adjustment of a new employee to his or her position.

Section 9.2 Duration of Probationary Period

Each original and promotional appointment made to a position in the competitive service shall be subject to probationary period. The length of the probationary period shall be twelve (12) months of continuous service for all employees. The probationary period shall not include time served in any employment capacity except that of a regular full-time position. The probationary period may be for a longer period of time if extended or as established in the job description.

Section 9.3 Successful Completion of Probationary Period

The Personnel Director or designee shall notify the department head two weeks prior to the end of any probationary period. If the employee’s performance has been satisfactory to the department head and advancement to regular status is warranted, the department head shall so state in the employee’s probationary performance evaluation report. The employee shall then be advanced to regular status on his or her anniversary date. If such a statement is not filed, the employee will be deemed to have satisfactorily completed his or her probationary period.

Section 9.4 Rejection of Probationer

During the probationary period, an employee is considered “at will” and may be rejected at any time by the City Manager (at the recommendation of the department head) for failure to satisfactorily complete the probationary period. Notification of rejection by the department head shall be served on the probationer.

Section 9.5 Rejection Following Promotion

A promoted employee who does not successfully complete a probationary period shall be restored, providing a vacancy exists, to the same or similar position in the same class from which promoted unless charges are filed and employee is terminated in the manner provided for in the these rules.

Section 9.6 Promotion, Demotion, and Transfer Probationary Period

A new probationary period shall be required following demotion or transfer. When an employee transfers or demotes from one department to another department, a new probationary period shall be served in the latter department.

Section 9.7 Reemployment and Reinstatement Probationary

Persons appointed to positions by reemployment must serve a new probationary period, unless the appointment is to the same class in the same department where a probationary period has been

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

previously served. Persons appointed to positions by reinstatement must serve a new probationary period. No credit for former employment shall be granted.

Section 9.8 Interrupted Probationary Period

When the probationary period of an employee is interrupted because of a leave of absence or appointment to another class and the employee later returns to the former class in the same or a different department, a new probationary period shall be served. Credit for all or part of the previous probationary period may be granted the employee by recommendation of the department head, and approval by the City Manager. (See 9.2).

Section 9.9 Extension of Probationary Period

At the discretion of the department head and with the approval of the City Manager, the probationary period may be extended for a maximum of six (6) months and a new anniversary date will be established.

If employee's probationary period is interrupted due to illness or injury for thirty (30) days or more the employee's probationary period will be automatically extended for the period of absence and a new anniversary date will be established.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

RULE X

HOURS OR WORK; OVERTIME; HOLIDAYS

Section 10.1 Hours of Work

The provisions in this section govern hours of work for employees. However, this provision shall not interfere with essential services of a department. Under no condition shall any full-time employee for the City work less than 40 hours per week within five (5) consecutive days. Shifts vary as required to meet the operational requirements of the department where the employee works. When desirable, the City Manager may designate other working hours for employees whose specific duties require it.

Section 10.2 Attendance

Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holiday and leaves. All departments shall keep daily attendance record of employees, which shall be reported to the finance office in the form and on the dates specified.

Failure on the part of an employee, absent without leave, to return to duty within three consecutive work shifts is cause for immediate discharge, and such employee automatically waives all rights under these rules and regulations.

Section 10.3 Holidays

The holidays observed in the City shall be posted each year.

Section 10.3.1 Paid Holiday

Paid holiday is paid time off for certain designated holidays or pay in lieu of holidays for personnel who are assigned to work on holidays. If any supervisor deems that adequate need exists and requests an employee to work on a holiday, the employee has no right to decline. An employee who is required to work on a paid holiday will receive an extra day of pay for the holiday worked, or the day may be taken at a later time as the employee and the department head see fit. As far as practical, holiday work shall be equally distributed among employees. No department head or supervisor is free to leave his department to observe a holiday until a necessary level of staffing has been achieved.

Section 10.3.2 Holiday Falling On Weekend

When a holiday falls on a Sunday, the following Monday is a holiday. If a holiday falls on a Saturday, the preceding Friday is a holiday.

Section 10.3.3 Overtime Compensation for Holidays Worked

Employees who work on a holiday because it occurs during their regular work schedule in addition to regular pay are entitled to either pay at straight time or one day's compensatory time.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

All other overtime compensation for time worked on holidays shall be paid the rate of 1-1/2 times the hourly rate based on the employee's monthly salary, unlicensed employee prefers compensatory time.

Section 10.3.4 Employee Request

A city employee who wishes to observe holidays peculiar to his or her race or religion may do so with the approval of his/her department head. This time off is charged to compensatory time or vacation.

Section 10.4 Overtime

It is the policy of the City's to compensate non-exempt employees who work authorized overtime either by payment of wages for each hour worked over forty (40) in a work week or as agreed in the applicable Memorandum of Understanding (M.O.U.), or by the allowance of accrual of compensatory time off. Overtime is compensated at one and one half times the Fair Labor Standards Act regular rate of pay In order to qualify for either, the employee must make the appropriate entry on the time sheet, as soon as practical after overtime is worked.

Section 10.5 Compensatory Time Off Policy

Section 10.5.1 Supervisor Approval Required Before Work

A non-exempt employee may opt to accrue compensatory time-off ("CTO") in lieu of cash payment for overtime worked if his or her supervisor agrees prior to overtime work being performed.

Section 10.5.2 Accrual Rate

CTO accrues at the rate of 1.5 hours for each hour worked over 40 hours of actual work in the employee's work week. CTO cannot be accumulated in excess of [100] hours at any given time.

Section 10.5.3 Employee Requests to Use CTO

The City will grant an employee's request to use accumulated CTO provided that: (1) the department can accommodate the use of CTO on the day requested without undue disruption; and (2) the employee makes the request in writing to the supervisor no later than five days prior to the date requested. If the employee does not provide five days' notice, or if the department cannot accommodate the time off, the City will provide the employee the opportunity to cash out the CTO requested at the end of the current pay period.

Section 10.5.4 City Cash Out

The City reserves the right to cash out accumulated CTO at any time.

Section 10.5.5 Employee Cash Out

During employment, CTO is cashed out at the employee's current FLSA regular rate of pay (including all FLSA-applicable salary differentials). Employees separating from City

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

service shall be compensated for all accrued, unused compensatory hours at the current FLSA regular rate of pay, or the average regular rate for the prior three years, whichever is higher.

Section 10.6 General Overtime Policy

No non-exempt employee is authorized to “volunteer” work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime period or immediately thereafter. Working overtime without approval is grounds for discipline.

Section 10.7 Employees Responsibility

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor.

Section 10.8 Supervisors Responsibility

The supervisor who verifies the overtime earned shall approve the request. After the entry has been made on the employee’s time sheet, the time sheet shall be forwarded to the department head for final approval.

Section 10.9 Accounting for Overtime Worked

Employees are to record the actual time worked in an overtime status. In some cases, an M.O.U. or other contract provides that minimum time will be paid, (e.g. two hours, for call out). The supervisor will enter the actual time worked.

Section 10.10 Accounting for Portions of an Hour

Partial hours for overtime worked are to be accounted for in quarters of an hour. One quarter is equivalent to fifteen minutes as indicated by the following chart.

<u>TIME WORKED</u>	<u>INDICATE ON SHEET</u>
1 – 15 Minutes	¼ hour
16 – 30 Minutes	½ hour
31 – 45 Minutes	¾ hour
46 – 60 Minutes	1 hour

Section 10.11 Variations in Time Reported

Where two or more employees are assigned to the same activity and the amount of time for which payment is requested varies from that reported by the other employee, the supervisor may require each employee to include the reason for variation on the back of the overtime payment request.

Section 10.12 Off-Duty Employment

No City employee may accept gainful employment during off-duty hours unless prior approval is obtained from department head and City Manager.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

RULE XI

LEAVE OF ABSENCE

Section 11.1 Vacation Leave of Employee

Full time employees receive ten (10) days of vacation for the first five years of employment. Full time employees with five (5) years of continuous service will receive eleven (11) days per year. Full time employees with seven (7) years of continuous service will receive thirteen (13) days per year of vacation. Full time employees with ten (10) years of continuous service will receive fifteen (15) days per year of vacation.

Section 11.1.1 When Vacation Leave is Earned

Full vacation leave is earned by:

- (a) A full time employee on sick leave with pay;
- (b) An employee on paid leave of absence on account of disability created by on the job accident while working for the city.
- (c) An employee on jury leave. It is not earned by an employee on unpaid leave of absence, nor by one on leave covered by a private disability insurance plan.

It is not earned by an employee on unpaid leave of absence, by one on leave covered by a private disability insurance plan or by temporary, emergency, or extra help employees. Part time employees only earn pro rated vacation after 5 years of uninterrupted service.

Section 11.1.2 Effect of Holiday on Vacation Leave

An employee is not charged vacation leave for a holiday occurring during his vacation leave.

Section 11.1.3 Changing Vacation Leave to Sick Leave

Vacation leave may be changed to sick leave upon submission of a doctor's certificate stating that the employee is ill and unable to work. Such change in leave shall be approved by the City Manager.

Section 11.2 Sick Leave

The purpose of this section is to provide an orderly methods of furthering the health and safety of city employees. Sick leave is not a right, which an employee can use at his or her discretion, but a privilege which is allowed only in the case if illness, bodily injury, exposure to contagious disease, medical or dental appointment or attendance upon an ill or injured member of employee's immediate family. Sick leave may not be granted for absence caused by intoxication or excessive use of alcoholic beverages. To be paid for sick leave, an employee must notify his supervisor before the time for beginning his/her daily duties. Section 11.4 covers leave of absence caused by on-the-job injuries. The finance office shall maintain sick leave records for all city employees.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Section 11.2.1 Accrual of Sick Leave

A-regular employee accrues sick leave on the first day of employment; sick leave hours may be used beginning on the 90th day of employment. Sick leave is accrued at the rate of 3.08 hours per pay period (10 days per year). Upon separation from City service sick leave is lost.

A. Part-Time Employees Sick Leave / Healthy Workplace Healthy Family Act of 2014 (AB 1522)

An employee who, on or after July 1, 2015, works in California for 30 or more days within a year from the beginning of employment, is entitled to paid sick leave. Employees, including part-time and temporary employees, will earn at least one hour of paid leave for every 30 hours worked. Accrual begins on the first day of employment or July 1, 2015, whichever is later.

Exceptions: Employees covered by qualifying collective bargaining agreements, In-Home Supportive Services providers, and certain employees of air carriers are not covered by this law.

An employer may limit the amount of paid sick leave an employee can use in one year to 24 hours or three days. Accrued paid sick leave may be carried over to the next year, but it may be capped at 48 hours or six days.

An employee may use accrued paid sick days beginning on the 90th day of employment. An employee may request paid sick days in writing or verbally. An employee can take paid leave for employee's own or a family member for the diagnosis, care or treatment of an existing health condition or preventive care or for specified purposes for an employee who is a victim of domestic violence, sexual assault or stalking.

Section 11.2.2 When Right to Take Sick Leave Begins

A regular employee may take paid sick leave beginning the seventh month of employment.

Section 11.2.3 Use of Sick Leave

An employee with approval of the department head may use accumulated sick leave for dental or medical appointments during working hours not exceeding four (4) hours at one time. An employee is not charged sick leave for an appointment if time absent is less than one (1) hour. An employee, with prior approval of the department head, may use accumulated sick leave to attend an ill or injured member of his/her immediate family, up to a maximum of five (5) days a year. This includes time off in order to take a member of his immediate family to or from the hospital. In addition, another three (3) days accumulated sick leave may be used with prior approval of department head for critical illness in the immediate family when death appears to be imminent. Sick leave granted under this subsection shall be indicated on employee's time sheet and his personnel records shall be noted accordingly.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Section 11.2.4 Return to Employment After Sick Leave

When an employee returns to duty after an absence of three days or more chargeable to sick leave, the department head or Personnel Director may require an affidavit showing the nature of the cause of sickness or injury. If absence is five (5) days or longer, the department head or Personnel Director may require a signed statement from a doctor or dentist that the employee was incapacitated and unable to perform his or her duties throughout the entire period of sick leave, unless the City Manager grants a waiver. In case of frequent use of sick leave, an employee may be requested to file a physician's statement for each illness regardless of duration. An employee may be required to take an examination by a physician designated by the City to determine the employee's fitness for duty. On the basis of authoritative medical advice, the City Manager shall determine whether an employee is physically fit to perform for the duties of his/her position and when the employee can be reasonably accommodated if disabled and may take the action he/she considers appropriate.

Section 11.3 Medical Leave

In the case of an employee's continued illness after the expiration of sick leave, his or her absences may then be charged to compensatory time accrued or vacation leave accrued with the approval of department head. Upon the complete use of sick leave, vacation and compensatory time accrued, the City Manager may grant a medical leave of absence without pay upon written request of the employee, setting for the reason for the request. The approval by the City Manager shall be in writing. If the employee is not able to return to work by the end of that period, he/she may request further medical leave and the City Manager may grant or deny the request. If no further leave is granted, failure on the part of the employee on leave to report promptly at its expiration shall be cause for immediate discharge.

Section 11.4 On Duty Injuries

The purpose of this policy is to provide for the reporting of on-duty injuries or death to Risk Management, ensure proper medical attention is received and document the circumstances of the incident. An employee injured in the course of his/her employment must report the accident to his supervisor as promptly as possible. The employee must be given the State "Employee's Claim for Workers' Compensation Benefits" form within twenty-four (24) hours of notification by the employee. The form must be given out regardless of whether or not the employee receives first aid, seeks medical treatment or loses any time from work.

Section 11.4.1 Pay

An employee is entitled to receive a full day's pay for the day injured. Thereafter the provisions in subsection 11.4.2 apply.

Section 11.4.2 Accumulated Sick Leave

Upon expiration of sick leave, he/she is on unpaid industrial accident leave. If the employee is not eligible for sick leave pay, he/she is on unpaid industrial accident leave effective the day after the injury.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Section 11.5 Injuries Requiring Medical Care

All work related injuries requiring medical care must be reported to the City of Lindsay Risk Management Office and a claim form shall be provided to the injured employee within 24 hours from the time the injury was discovered, excluding weekends and holidays.

Section 11.6 Liability For Failure To Comply

Labor Code section 5400 makes failure to comply with the 24-hour reporting procedure a misdemeanor. Additionally, disciplinary action may be taken for an employee's failure to comply with this procedure.

Section 11.7 Accident Defined

“Accident” is defined as any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur, e.g. exposure where no immediate injury is apparent.

Section 11.8 Employee's Responsibility

Any employee sustaining any work-related injury or involved in any accident while on duty shall report such injury or accident as soon as practical to his/her supervisor. An employee who fails to promptly report an accident to his supervisor within a specified time may be in eligible for paid industrial accident leave.

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

Any employee sustaining a work-related injury that requires relief from duty is required to be examined/treated by a doctor.

When appropriate, an employee being treated for an on-duty injury is to advise the attending physician that “light duty” may be available.

An injured employee shall report as soon as practical to their immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions if they are known.

Section 11.9 Supervisor's Responsibility

The supervisor is responsible for promptly notifying the finance office and Personnel Director, submitting a statement signed by the employee or supervisor giving all details.

For work-related accidents or injuries not requiring professional medical care, A City of Lindsay “Supervisor's Report of Injury” form shall be completed in triplicate. All copies of the completed form shall be forwarded to Risk Management.

When accident or injury is reported initially on the “Supervisor's Report of Injury” form and the employee subsequently requires professional medical care, the State of California Employer's

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Report of Occupational Injury or Illness” form shall then be completed. The injured employee shall also sign the form in the appropriate location.

Every injured employee must be provided with an “Employee’s Claim for Workers’ Compensation Benefits Form” (DWC-1) within 24 hours, regardless of the nature of illness or injury.

Copies of any reports documenting the accident or injury should be forwarded to Risk Management as soon as they are completed.

A supervisor who fails to report an accident after being notified by the employee is subject to disciplinary action.

Section 11.10 Department Head’s Responsibility

The department head shall review and forward copies of the report to the personnel department and retain a copy in the employee’s personnel file.

Section 11.11 Injuries Requiring No Medical Attention

Those injuries not requiring medical attention shall be recorded on a Supervisor’s Report of injury, a city form. This form shall be completed and signed by a supervisor.

This form shall be signed by the affected employee, indicating that he/she desired no medical attention at the time of the report. By signing this form, the employee will not preclude his/her ability to seek medical attention later.

Section 11.12 Injury Caused by Other

When an employee sustains work-related injuries caused by other person, and is then approached by such person or an agent, insurance company or attorney, and offered a settlement of claims, that employee shall take no action other than to make a written report of this contact to his/her supervisor as soon as possible.

Section 11.13 No Settlement Without Prior Approval

In no case shall the employee accept a settlement without receiving prior approval of the Director of Personnel. It must first be determined that the offered settlement will not affect any claim the City of Lindsay may have regarding payment for damage(s) to equipment or reimbursement for wages against the person who caused the accident or injury. The objective of this policy is to protect the City’s right of subrogation, while ensuring that the employee’s rights to receive compensation for injuries are not affected.

Section 11.14 Leaves of Absence Due to Death of Family Member

Every employee shall obtain his department head’s approval in advance for absence on account of death in order to be eligible for the benefits in this section.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Section 11.14.1 Immediate Family

A full time employee is entitled to use sick leave to care for illness or injury in the immediate family as specified in Section 11.2.2. A regular full-time employee is allowed a leave of absence with pay not to exceed 3 working days in the case of death in the employee's immediate family. With his/her Department Head's approval, he or she may have 2 additional working days, which are charged first to sick leave, second to compensatory time, third to vacation.

Immediate family, for the purpose of bereavement leave, is defined as the employee's spouse, child, parent, brother, sister, mother/father-in-law, brother/sister-in-law, grandparents, or registered Domestic Partner.

Section 11.14.2 Other Than Immediate Family

A department head may allow a regular full-time employee leave of absence up to one day to attend the funeral of a person other than a member of his/her immediate family, chargeable to sick leave, compensatory time or vacation.

Section 11.14.3 Timesheet

Each absence on account of death leave must be explained on the employee's time sheet.

Section 11.15 Jury Leave – Notice

When an employee is called for jury duty, he or she shall be granted leave for this purpose upon presenting the jury notice to his or her department head. The department head shall notify the Personnel Director.

Section 11.15.1 Pay

A regular full-time employee is entitled to receive jury leave with full pay if he or she remits to the city compensation received from duty. Compensation for mileage is not considered compensation for jury duty. The employee may elect to retain jury duty compensation, but if he or she does so he or she is not entitled to salary while on jury leave. The time spent on jury duty is not work time for the purpose of calculating overtime.

Section 11.15.2 Without Pay

An employee who is not a regular full-time employee takes jury leave without pay.

Section 11.15.3 Partial Day

If jury duty permits, the employee is expected to work a partial day.

Section 11.16 Military Leave

Military leave shall be granted in accordance with the provisions of federal and state law. Employees entitled to military leave shall give the department head an opportunity within the limits of military regulations to determine when such leave shall be taken. Employees who served in the U.S. military organizations or state militia groups may take the necessary time off with pay to fulfill this obligation. These employees may apply accrued personal leave and unused

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

earned vacation time to the leave if they wish; however they are not obliged to do so. Reinstatements of individuals returning from military leave shall be done in accordance with the Military and Veterans Code of California.

Employees are eligible for reemployment after completing military service, provided the employee provides copies of the military orders to the department head upon receipt; military service is entered directly from employment with the City and active duty service is satisfactorily completed; and re-employment is applied for and take place within ninety (90) days after discharge from active duty. If you are returning from up to six (6) months active duty for training, you must apply within thirty (30) days after discharge.

Section 11.17 Statement of Policy

To the extent not already provided for under current leave policies and provisions, the City will provide family and medical care leave for eligible employees as required by state and federal law. The following provisions set forth certain of the rights and obligations with respect to such leave. Rights and obligations which are not specifically set forth below are set forth in the Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 (“FMLA”), and the regulations of the California Family Rights Act (“CFRA”). Unless otherwise provided by this article, “Leave” under this article shall mean leave pursuant to the FMLA and CFRA.

Section 11.17.1 Definitions

- A. “12-Month Period” means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.
- B. “Child” means a child under the age of 18 years of age, or 18 years of age or older who is incapable of self care because of a mental or physical disability. An employee’s child is one for whom the employee has actual day-to-day responsibility for care and includes, a biological, adopted, foster or step-child. A child is “incapable of self care” if he/she requires active assistance or supervision to provide daily self care in three or more of the activities of daily living or instrumental activities of daily living—such as, caring for grooming and hygiene, bathing, dressing and eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, etc.
- C. “Parent” means the biological parent of an employee or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child. This term does not include parents-in-law.
- D. “Spouse” means a husband or wife as defined or recognized under California State law for purposes of marriage.
- E. “Domestic Partner,” as defined by Family Code §§ 297 and 299.2, shall have the same meaning as “Spouse” for purposes of CFRA Leave.
- F. “Serious health condition” means an illness, injury impairment, or physical or mental condition that involves:

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

1. Inpatient Care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, or perform other regular daily activities due to the serious health condition, treatment involved, or recovery there from); or
2. Continuing treatment by a health care provider: A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:
 - a) A period of incapacity (i.e., inability to work, or perform other regular daily activities) due to serious health condition of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - i) Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision by a health care provider, or by a provider of health care services (e.g., a physical therapist) under orders of, or on referral by a health care provider; or
 - ii) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider. This includes for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter, and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.
 - b) Any period of incapacity due to pregnancy or for prenatal care.
 - c) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
 - i) Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
 - ii) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - iii) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave even if the absence lasts only one day.
 - d) A period of incapacity which is permanent or long term due to a condition for which treatment may not be effective. The

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

- e) Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

G. “Health Care Provider” means:

1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of California;
2. Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, who directly treats or supervises treatment of a serious health condition;
3. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;
4. Nurse practitioners and nurse-midwives and clinical social workers who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;
5. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; and
6. Any health care provider from whom an employer or group health plan’s benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

H. “Active Duty” means a duty under a call to order of active, retired, reserves, or National Guard members of the United States Armed Forces by law or any other provision of law during a war or national emergency declared by the President or Congress.

I. “Contingency Operation” means a military operation that is (1) designated by the Secretary of Defense as an operation in which members of the United States Armed Forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or (2) that results in the call to order of active duty members of the United

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

States Armed Forces by law or any other provision of law during a war or national emergency declared by the President or Congress.

- J. “Covered Servicemember” means a member of the United States Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, in otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.
- K. “Outpatient Status” means the status of a member of the United States Armed Forces assigned to: (1) a military medical treatment facility as an outpatient; or (2) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
- L. “Next of Kin” means the nearest blood relative of an injured servicemember.
- M. “Serious Injury or Illness” means an injury or illness incurred by a member of the Armed Forces in the line of duty on active duty that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating.

Section 11.17.2 Reasons For Leave

Leave is only permitted for the following reasons:

- 1. The birth of a child or to care for a newborn of an employee;
- 2. The placement of a child with an employee in connection with the adoption or foster care of a child;
- 3. Leave to care for a child, parent, spouse, or domestic partner who has a serious health condition;
- 4. Leave because of a serious health condition that makes the employee unable to perform the functions of his/her position;
- 5. Leave for a “qualifying exigency” may be taken arising out of the fact that an employee’s spouse, son, daughter, or parent is on active military duty or has been notified of an impending call or order to active duty in support of a contingency operation involving the United States Armed Forces; or
- 6. Leave to care for a spouse, son, daughter, parent, or “next of kin” servicemember of the United States Armed Forces who has a serious injury or illness incurred in the line of duty while on active military duty (this leave can run up to 26 weeks of unpaid leave during an employer’s 12-month period).

Section 11.17.3 Employees Eligible For Leave

An employee is eligible for leave if the employee:

- 1. Has worked for at least 12 months; and

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

2. Has been employed for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

Section 11.17.4 Amount of Leave

Eligible employees are entitled to a total of 12 workweeks (or 26 weeks to care for an injured servicemember) of leave during any 12-month period.

A. Minimum Duration of Leave

If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g., bonding with a newborn) for at least one day, but less than two weeks duration on any two occasions. If leave is requested to care for a child, parent, spouse or the employee him/herself with a serious health condition, there is no minimum amount of leave that must be taken. However, the notice and medical certification provisions of this policy must be complied with.

B. Spouses Both Employed By The City

In any case in which a husband and wife both employed by the City are entitled to leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period if leave is taken for the birth or placement for adoption or foster care of the employees' child (i.e., bonding leave).

In any case in which a husband and wife both employed by the City are entitled to leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 26 workweeks during any 12-month period if leave is taken to care for an injured servicemember. Except as noted above, this limitation does not apply to any other type of leave under this policy.

Section 11.7.5 Employee Benefits While on Leave

Leave under this policy is unpaid. While on leave, employees will continue to be covered by the City group health insurance to the same extent that coverage is provided while the employee is on the job. However, employees will not continue to be covered under the City's other non-health benefit plans which are not provided pursuant to the City's group health plans.

Employees may make the appropriate contributions for continued coverage under the preceding non-health benefit plans by payroll deductions or direct payments made to these plans. Depending on the particular plan, the City will inform you whether the premiums should be paid to the carrier or to the City. Your coverage on a particular plan may be dropped if you are more than 30 days late in making a premium payment. However, you will receive a notice at least 15 days before coverage is to cease, advising you that you will be dropped if your premium payment is not paid by a certain date. Employee contribution rates are subject to any change in rates that occurs while the employee is on leave.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

If an employee fails to return to work after his/her leave entitlement has been exhausted or expires, the City shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his/her family member which would entitle the employee to leave, or because of circumstances beyond the employee's control. The City shall have the right to recover premiums through deduction from any sums due the City (e.g. unpaid wages, vacation pay, etc.).

Section 11.17.6 Substitution of Paid Accrued Leaves

While on leave under this policy, as set forth herein, an employee may elect to concurrently use paid accrued leaves. Similarly, the City may require an employee to concurrently use paid accrued leaves after requesting FMLA and/or CFRA leave, and may also require an employee to use family and medical care leave concurrently with a non-FMLA/CFRA leave which is FMLA/CFRA-qualifying.

- A. **Employee's Right To Use Paid Accrued Leaves Concurrently With Family Leave**
Where an employee has earned or accrued paid vacation, administrative leave, compensatory time, or personal or family leave (if applicable to your agency, this is referring to paid family leave; some agencies permit employees to use a certain number of sick leave days for family leave purposes), that paid leave may be substituted for all or part of any (otherwise) unpaid leave under this policy.

As for sick leave, an employee is entitled to use sick leave concurrently with leave under this policy if:

1. The leave is for the employee's own serious health condition; or
2. The leave is needed to care for a parent, spouse, child, or domestic partner with a serious health condition, and would be permitted as sick leave under the City's sick leave policy.

- B. **City's Right To Require An Employee To Use Paid Leave When Using FMLA/CFRA Leave**

Employees must exhaust their accrued leaves concurrently with FMLA/CFRA leave to the same extent that employees have the right to use their accrued leaves concurrently with FMLA/CFRA leave, with two exceptions:

1. Employees are not required to use accrued compensatory time earned in lieu of overtime earned pursuant to the Fair Labor Standards Act; and
2. Employees will only be required to use sick leave concurrently with FMLA/CFRA leave if the leave is for the employee's own serious health condition.

- C. **City's Right To Require An Employee To Exhaust FMLA/CFRA Leave Concurrently With Other Leaves**

If an employee takes a leave of absence for any reason which is FMLA/CFRA qualifying, the City may designate that non-FMLA/CFRA leave as running

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

concurrently with the employee's 12-week FMLA/CFRA leave entitlement. The only exception is for peace officers and firefighters who are on leave pursuant to Labor Code § 4850.

D. City's and Employee's Rights If An Employee Requests Accrued Leave Without Mentioning Either the FMLA or CFRA

If an employee requests to utilize accrued vacation leave or other accrued paid time off without reference to a FMLA/CFRA-qualifying purpose, the City may not ask the employee if the leave is for a FMLA/CFRA-qualifying purpose. However, if the **City** denies the employee's request and the employee provides information that the requested time off is for a FMLA/CFRA-qualifying purpose, the City may inquire further into the reason for the absence. If the reason is FMLA/CFRA-qualifying, the City may require the employee to exhaust accrued leave as described above.

Section 11.17.7 Medical Certification

Employees who request leave for their own serious health condition or to care for a child, parent or a spouse who has a serious health condition must provide written certification from the health care provider of the individual requiring care if requested by the City. If the leave is requested because of the employee's own serious health condition, the certification must include a statement that the employee is unable to work at all or is unable to perform the essential functions of his/her position.

Employees who request leave to care for an injured service member who is a child, spouse, parent, or "next of kin" of the employee must provide written certification from a health care provider regarding the injured service member's serious injury or illness.

A. Time To Provide A Certification

When an employee's leave is foreseeable and at least 30 days notice has been provided, if a medical certification is requested, the employee must provide it before the leave begins. When this is not possible, the employee must provide the requested certification to the City within the time frame requested by the City (which must allow at least 15 calendar days after the employer's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

B. Consequences For Failure To Provide An Adequate Or Timely Certification

If an employee provides an incomplete medical certification the employee will be given a reasonable opportunity to cure any such deficiency. However, if an employee fails to provide a medical certification within the time frame established by this policy, the City may delay the taking of FMLA/CFRA leave until the required certification is provided.

C. Recertification

If the City has reason to doubt the validity of a certification, the City may require a medical opinion of a second health care provider chosen and paid for by the

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

City. If the second opinion is different from the first, the City may require the opinion of a third provider jointly approved by the City and the employee, but paid for by the City. The opinion of the third provider will be binding. An employee may request a copy of the health care provider's opinions when there is a recertification.

D. Intermittent Leave Or Leave On A Reduced Leave Schedule

If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition{"serious health condition"}, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

Section 11.17.8 Employee Notice of Leave

Although the City recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much notice as possible of their need for leave. If leave is foreseeable, at least 30 days' notice is required. In addition, if an employee knows that he/she will need leave in the future, but does not know the exact date(s) (e.g. for the birth of a child or to take care of a newborn), the employee shall inform his/her supervisor as soon as possible that such leave will be needed. Such notice may be orally given. If the City determines that an employee's notice is inadequate or the employee knew about the requested leave in advance of the request, the City may delay the granting of the leave until it can, in its discretion, adequately cover the position with a substitute.

Section 11.17.9 Reinstatement Upon Return From Leave

A. Right To Reinstatement

Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Employees have no greater rights to reinstatement, benefits and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period.

If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If the reinstatement date differs from the original agreement of the employee and City the employee will be reinstated within two business days, where feasible, after the employee notifies the employer of his/her readiness to return.

Section 11.18 Authorized Leave of Absence Without Pay

A department head may grant an employee a leave of absence without pay for not more than ten (10) days when it is in the best interest of the city, and on approval of the City Manager. Any leave of absence in excess of ten (10) days can only be granted by the City Manager.

Section 11.18.1 Return From Leave

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Return from leave:

- (a) Failure of an employee to return to duty upon the termination of authorized leave of absence is an unauthorized leave of absence and is cause for discharge.
- (b) Upon return an employee may be required to submit to medical examination to determine whether or not he/she is still capable of performing the duties of his/her position. When a physical examination discloses that an employee is not physically capable of performing his/her duties, the City shall offer him/her any vacant position in the city for which he/she is qualified. If an employee is no longer physically capable of performing the duties of a vacant position, he or she shall be terminated.

Section 11.19 Pregnancy Disability Leave

An employee who is disabled because of pregnancy, childbirth, or a related medical condition is entitled to an unpaid pregnancy disability leave for up to four months.

Section 11.19.1 Notice & Certification Requirements

1. Requests for pregnancy disability leave must be submitted in writing and must be approved by the employee's supervisor or department director before the leave begins. The request must be supported by a written certification from the attending physician stating that the employee is disabled from working by pregnancy, childbirth or a related medical condition. The certification must state the expected duration of the disability and the expected date of return to work.
2. All leaves must be confirmed in writing, have an agreed-upon specific date of return, and be submitted to the department director prior to being taken. Requests for an extension of leave must be submitted in writing to the department director prior to the agreed date of return and must be supported by a written certification of the attending physician that the employee continues to be disabled by pregnancy, childbirth, or a related medical condition. The maximum pregnancy disability leave is four months.

Section 11.19.2 Compensation During Leave

Pregnancy disability leaves are without pay. However, the employee may first use accrued sick leave, vacation leave, and then any other accrued paid time off during the leave.

Section 11.19.3 Benefits During Leave

1. An employee on pregnancy disability leave may receive any group health insurance coverage that was provided before the leave on the same terms as provided to other employees who become disabled off-duty, if: 1) the employee is eligible for concurrent family medical leave; and 2) the employee has not already exhausted this 12-week group health insurance coverage benefit in the current family medical leave eligibility period. The City may recover premiums it paid to maintain health coverage, as provided by the family and medical leave

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

- laws, if an employee does not return to work following pregnancy disability leave.
2. An employee on pregnancy disability leave who is not eligible to receive group health insurance coverage as described above, may receive health insurance coverage in conjunction with COBRA guidelines by making monthly premium payments to the City.
 3. Sick and Vacation Leave Accrual: Sick leave and vacation leave do not accrue while an employee is on unpaid pregnancy disability leave.

Section 11.19.4 Reinstatement

1. Upon the expiration of pregnancy leave and the City's receipt of a written statement from the health care provider that the employee is fit to return to duty, the employee will be reinstated to her original or an equivalent position, so long as it was not eliminated for a legitimate business reason during the leave.
2. If the employee's original position is no longer available, the employee will be assigned to an open position that is substantially similar in job content, status, pay, promotional opportunities, and geographic location as the employee's original position.
3. If upon return from leave an employee is unable to perform the essential functions of her job because of a physical or mental disability, the City will initiate an interactive process with the employee in order to identify a potential reasonable accommodation.
4. An employee who fails to return to work after the termination of her leave loses her reinstatement rights.

Section 11.20 Unauthorized Leave of Absence

An unauthorized leave of absence is treated as time not worked.

Section 11.21 Deduction

For an unauthorized leave of absence the City shall deduct from the employee's pay an amount equal to time absent.

Section 11.22 Sick Leave Donations

In the event an employee is unable to work due to catastrophic illness, surgery (either their own or that of qualifying family member), City employees may donate their accrued sick leave to another employee under the following conditions:

- Employee will be out of work in excess of two weeks (80 hours).

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

- The sick/injured employee has exhausted all of his/her accrued sick, vacation, and compensatory time.
- Individual employees may donate sick leave hours, which are in excess of forty (40) accrued hours with a cap of twenty (20) hours per fiscal year.
- Employees, who are terminating their employment with the City, may not donate their sick leave hours to another employee.
- Any employee requesting a donation of sick leave hours shall submit a written request to the Department head requesting authorization to obtain the donation of sick leave hours from their fellow employees.

Section 11.23 Leave Requests

The following procedure shall apply for all leave requests other than for sick leave:

- A) Leave requests shall be made in writing using the City of Lindsay Leave Request Form, which will be available at each department work site. No leave will be considered approved until the form is signed by the employee's department head or his/her designee and a copy of the form returned to the requesting employee.
- B) Vacation requests should be made at least two weeks in advance. In those cases where multiple employees are requesting the same time period off, the order in which the requests are received shall determine which employee are granted vacation leave.
- C) Special request for one day off which was not a planned vacation may be made at any time prior to the day to be taken. The leave request form must be submitted and approved prior to the employee taking the day off.
- D) Upon receiving a leave request, the department head shall approve/deny the request and forward a copy to the requesting employee and to the finance department. In the case of denial, the department head shall indicate on the form the reasons for the denial.
- E) Employees who are denied a leave request may appeal to the Personnel Director .

Section 11.24 Temporary and Part Time Employees Not Eligible

Temporary employees, including emergency and extra help employees are not eligible for paid benefits, including paid leaves of absence unless the law requires otherwise. Part time employees are not eligible for benefits or leaves of absence other than vacation after five years of service.

TRANSFER AND DEMOTION

Section 12.1 Transfer

Section 12.1.1 Involuntary Transfer

The City may initiate employee transfers when the transfer is in the best interest of the City. City initiated transfers shall not serve the required probationary period in accordance with Rule 9. Upon approval of the Personnel Director and City Manager, the department head may transfer an employee anytime from one position to another position in a comparable class where the salary range is the same, involves the performance of similar duties and requires substantially the same basic qualifications. However, the employee shall be consulted prior to any transfer. Any employee who is transferred from one position to another position in the same or similar class shall be compensated at the same step and salary range the employee received in the previous position. The salary anniversary date shall not change. Employees may appeal the transfer within five (5) days to the City Manager whose decision is final.

Section 12.1.2 Voluntary Transfer

An employee's request for transfer to another type of work or department normally will be considered only after successful completion of the probationary period. Employees requesting a transfer shall submit a memorandum to the Personnel Director and City Manager detailing the request for transfer and reasons for the request. Upon receipt of the transfer request, the Personnel Director will notify the employee's Department Head. Job performance, qualifications, attendance and other factors shall be evaluated to ensure the most effective use of the employee's capabilities in evaluating the transfer request. The Personnel Director will communicate to the employee whether the request is granted. When the foregoing factors are substantially equal, transfers shall be determined by City seniority. Employees transferred to a vacant position at their request shall serve a new probationary period in accordance with Rule 9.

If the transfer involved a change from one department to another, both department heads must consent thereto unless the City Manager orders the transfer.

Transfer shall not be used to effectuate a promotion or demotion, each of which may be accomplished only as provided in the personnel rules and regulations.

Section 12.2 Demotion

The City Manager may demote an employee for disciplinary purposes. No employee shall be demoted to a position who does not possess the minimum qualification. Disciplinary demotion action shall be in accordance with Rule 14.

Demotion is the removal of an employee from his or her present position to a lower paying position.. A Department Head may request the City Manager demote an employee for any of the following reasons:

- (a) At the request of an employee, provided the employee possesses the minimum qualifications for the demoted position.
- (b) Failure to meet the job-related standards of a promotional probation.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

(c) For disciplinary actions (see Rule 14).

(d) For displacement.

Employees requesting a voluntary demotion shall submit a memorandum to the Personnel Director and City Manager detailing the request for voluntary demotion and reasons for the request. Upon receipt of the request for voluntary demotion, the Personnel Director will notify the employee's department head. If the request for voluntary demotion involves a change from one department to another, both department heads must consent thereto unless the City Manager orders the demotion. Employees demoted at their own request shall be placed at the same step unless another step is mutually agreed to. If the employee has held regular status in the classification to which he or she is voluntarily demoted, probation can be waived upon approval of the City Manager.



SEPARATION FROM SERVICE

Section 13.1 Abandonment of Position

An employee may be separated from employment if the employee fails to report for duty and is absent from work without approved leave for more than three consecutive work shifts, or fails to report for work upon the expiration of a vacation or a leave of absence where the employee did not notify his or her department head of the reason for the absence. This will be deemed to be a resignation and may result in termination of employment. The Personnel Director shall provide written notice of the proposed action to be taken due to abandonment to the employee at the last known address. Said notice shall provide the employee the Skelly prep disciplinary due process process

Section 13.2 Disciplinary Action

An employee may be separated from employment for disciplinary reasons by the City Manager as provided in Rule 14.

Section 13.3 Layoff

An employee may be separated from employment because of changes in duties or organization, abolishment of position, shortage of work or funds.

Section 13.3.1 Statement of Intent

Whenever, in the judgment of the City Council, it becomes necessary to abolish any position or employment, the employee holding such position or employment may be laid off or demoted without disciplinary action and without the right of appeal.

Section 13.3.2 Notification

Employees to be laid off will be given, whenever possible, at least fourteen (14) calendar days prior notice.

Section 13.3.3 Order of Layoff

Employees will be laid off in the inverse order of their seniority in their classification in the department. Seniority is determined based upon date of hire in the classification and higher classifications in the department. A lay off out of the inverse order of seniority may be made if, in the City’s judgment, retention of special job skills are required. Within each class, employees will be laid off in the following order, unless special skills are required: temporary, part-time, probationary, and regular. In cases where there are two or more employees in the classification in the department from which the lay off is to be made who have the same seniority date, such employees will be laid off on the basis of the last evaluation rating in the class, providing such rating has been on file at least thirty (30) days and no more than twelve (12) months prior to lay off, as follows:

First, all employees having ratings of “improvement needed;” second, all employees having ratings of “competent;” third, all employees having ratings of “outstanding.”

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Section 13.3.4 Re-employment Rights for Laid-off Employees

Regular employees, who have received a satisfactory or better evaluation for the 12 months prior to lay off, have completed their probationary period and who have been laid off shall be automatically placed on a re-employment list for two (2) years for the classification from which they were laid off.

Section 13.4 Resignation

An employee wishing to leave employment in good standing shall file with the City M a written resignation stating the effective date and reasons for leaving, at least two weeks before leaving the service, unless approval for a shorter notice is obtained. Resignation shall be deemed accepted upon submission. A resignation made with the notice required may be regarded as cause for denying the resigning employee future employment with the City, and is a resignation not in good standing.

Section 13.5 Disability

An employee may be separated for disability when the employee cannot perform the essential functions of the job. The City may separate a disabled employee if the employee cannot perform the essential functions of the job with reasonable accommodation. (NOTE: ADD REASONABLE ACCOMMODATION POLICY – PAGE 13).

A. POLICY

The City provides employment-related reasonable accommodations to qualified individuals with disabilities within the meaning of the California Fair Employment and Housing Act and the Americans with Disabilities Act.

B. PROCEDURE

1. Request for Accommodation

An employee who desires a reasonable accommodation in order to perform essential job functions should make such a request in writing to the Human Resources Department. The request must identify: a) the job-related functions at issue; and b) the desired accommodation(s).

2. Reasonable Documentation of Disability

Following receipt of the request, the Human Resources Department may require additional information, such as reasonable documentation of the existence of a disability.

3. Fitness for Duty Examination

The City may require an employee to undergo a fitness for duty examination to determine whether the employee can perform the essential functions of the job with or without reasonable accommodation. The City may also require that a City-approved physician conduct the examination.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

4. Interactive Process Discussion

After receipt of reasonable documentation of disability and/or a fitness for duty report, the City will arrange for a discussion, in person or via telephone conference call, with the employee, and his or her representative(s), if any. The purpose of the discussion is to work in good faith to fully discuss all feasible potential reasonable accommodations.

5. Case-by-Case Determination

The City determines, in its sole discretion, whether reasonable accommodation(s) can be made, and the type of accommodation(s) to provide. The City will not provide accommodation(s) that would pose an undue hardship upon City finances or operations, or that would endanger the health or safety of the employee or others. The City will inform the employee of its decision as to reasonable accommodation(s) in writing.

Section 13.6 Retirement

Retirement from employment shall be subject to the terms and conditions of the City's retirement plan. Whenever an employee meets the conditions set forth in the City's retirement plan regulations, they may elect to retire and receive benefits earned under the retirement plan.

Section 13.7 Death of Employee

In the event of a death of an employee, payment of earned wages due shall be in accordance with the laws of the state. Unless otherwise provided by law, payment of any other funds due the deceased employee will be paid to the beneficiary so designated in writing by the employee. If no beneficiary has been designated, any funds due shall be paid to the deceased employee's surviving spouse or domestic partner. In the absence of a surviving spouse or partner, such payment shall be made to the employee's children. In the absence of children, such payment shall be made to the estate of the deceased employee.

Section 13.8 Return of City-Owned Property

The department head is responsible for the return of city-owned property by the employee leaving the service of the city. The employee shall return the property before he or she is entitled to receive his/her final salary check.

Section 13.9 Exit Interviews

Whenever possible, the Personnel Director shall conduct exit interviews with employees upon separation from employment.



DISCIPLINARY PROCEDURES

Section 14.1 Policy

The City’s policy on disciplinary actions is founded on the premise that the actions are to be corrective, and any disciplinary actions should reinforce and shape employee behavior in the reasonable and necessary direction actualizing the City’s goals.

The tenure of every employee shall be based on reasonable standards of person conduct and job performance. Failure to meet such standards shall be grounds for appropriate disciplinary action. Disciplinary actions should be progressively more severe, and commensurate with the seriousness of the offense and with due consideration of the employee’s prior performance record. However, the City may disregard progressive discipline for a serious offense. A serious offense may result in severe discipline. All suspensions, demotions, reductions in salary and terminations of persons with regular status shall be made according to these rules. Employees who are probationary, temporary, part time or serve pursuant to a contract may be disciplined at any time without cause or right of appeal unless their contract provides otherwise.

Section 14.2 Basis for Disciplinary Action

Basis for disciplinary actions include, but shall not be limited to, the reasons listed below and in accordance with procedures listed in these rules.

- (a) Failure to meet work performance standards and requirements; unsatisfactory or careless work; failure to meet production or quality standards as given by employee’s supervisor; or mistakes due to carelessness or failure to get necessary instructions.
- (b) Discourteous or disrespectful treatment of other employees, citizens, suppliers, or visitors, or treatment, which does not foster cooperation.
- (c) Insubordination or refusing to obey supervisor’s directions pertaining to work, refusal to perform assigned work; or to follow a direct order or insulting or demeaning the authority of a supervisor or manager.
- (d) Willful or negligent disobedience of any law, City or department rule or regulation.
- (e) Failure to maintain a neat and clean appearance in terms of the standards established by the employee’s supervisor; any departure from accepted conventional modes of dress or personal grooming; or wearing improper or unsafe clothing.
- (f) Excessive use of City telephone for personal calls.
- (g) Posting, removing or altering notices on any bulletin board on City property without permission of an officer of the City.
- (h) Soliciting during working hours and/or in working areas’ selling merchandise or collecting funds of any kind for charities or others with authorization during

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

business hours, or at a time or place that interferes with the work of another employee on City premises.

- (i) Conducting a lottery or gambling on City premises.
- (j) Misappropriation or damage of public property or waste of public funds or property through negligent or willful misconduct.
- (k) Absence without approved leave; leaving work station during work hours without supervisor's permission, except to use the restroom; leaving work before the end of a workday or not being ready to work at the start of a workday without supervisors approval; or stopping work before time specified for such purposes.
- (l) Failure to report an absence or late arrival; excessive absenteeism; or tardiness.
- (m) Practicing deception or fraud in the securing of a job appointment or promotion; or failure to supply full information as to character, reputation, or acts which, if known at the time of appointment might have resulted in a disqualification of the employee for the job to which appointment was made.
- (n) Falsification or misrepresentation of a relevant official statement, document, reports or records, and employment application, including the omission of information in an attempt to deceive or mislead, or the willful omission of information that, if known, could affect the outcome.
- (o) Misappropriation of found property; theft of City property or the property of other employees; unauthorized possession or removal of any City property, including documents, from the premises without prior permission from management; unauthorized use of City equipment or property for personal reasons; or using City equipment for profit.
- (p) Violating the non-disclosure agreement; giving confidential or proprietary City information to other organizations, to unauthorized employees, or to anyone whom issuance of such information has not been authorized; breach of confidentiality of personnel information; or removing the contents of any official record, report, document or other written matter, current or completed.
- (q) Lying about sick or personal leave; falsifying reason for a leave of absence or other data requested by the City; or alteration of City records or other City documents.
- (r) Failure to use or alteration of time cards, attendance documents or other records; altering such records of another employee, or causing someone to alter such records which is considered theft of time.
- (s) Neglect of duties.
- (t) Being intoxicated or under the influence of intoxicants, drugs or narcotics while at work; or use, possession or sale of such in any quantities while on City premises except medications prescribed by a physician, which do not impair work performance. Possessing or using alcohol in City offices or facilities.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

- (u) Smoking while on duty in an area where smoking is prohibited or at non-designated times, as specified by department rules.
- (v) Incompetency.
- (w) Inefficiency.
- (x) Dishonesty.
- (y) Malicious gossip and/or spreading rumors; engaging in behavior designed to create discord and lack of harmony; interfering with another employee on the job; or willfully restricting work output or encouraging in other to do the same.
- (z) Improper withdrawal or limitation of service or any action that interferes with or is disruptive of the City mission or the public service.
- (aa) Any act or statement, oral or written, which tends to bring the City, it's employees or officers into disrepute or ridicule.
- (bb) Use of coarse, obscene, profane, or insolent language or gestures to any Other employee or the public; indifference or rudeness towards the public or any other employee; or any disorderly/antagonistic conduct on City premises.
- (cc) Sleeping while on duty; or loitering or loafing during working hours.
- (dd) Improper political activity.
- (ee) Unauthorized possession of dangerous or illegal firearms, weapons or explosives on City property or while on duty, or displaying or brandishing any firearm or weapon, whether in jest or otherwise, in any manner which can be construed as careless, threatening or dangerous except in the performance or official duties.
- (ff) Receiving or accepting, directly or indirectly, any money, gift, reward, service, gratuity, favor, hospitality, loan or other consideration for any service or official action rendered by the employee, without first securing the written permission from the City Manager.
- (gg) Use of influence of position with the City for private gain or advantage, or the use of time, facilities, equipment or supplies for private gain or advantage.
- (hh) Engaging in an act of sabotage; or negligently causing the destruction, damage, loss or misuse of City property, or the property of any employees, customers, suppliers, or visitors; or the failure to immediately report damage, loss or an accident involving City equipment.
- (ii) Negligence or any careless action which endangers the life or safety of another person; willful violation of security or safety rules or failure to observe safety rules or safety practices; failure to wear required equipment; or tampering with safety equipment or other devices.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

- (jj) Negligence or any careless action which endangers the life or safety of another person; willful violation of security or safety rules or failure to observe safety rules or safety practices; failure to wear required equipment; or tampering with safety equipment or other devices.
- (kk) Fighting or horseplay or provoking a fight while on duty.
- (ll) Conviction of a felony or misdemeanor when there is a nexus to the workplace. The word, “convicted” shall be construed to mean pleas of guilty, or nolo contendere, regardless, of whether sentence is imposed by the court.
- (mm) Engaging in criminal conduct or acts of violence, or making threats of violence toward anyone on City premises or when representing the City.
- (nn) Threatening, intimidating or coercing other employees on or off the premise at anytime, for any purpose.
- (oo) Immoral conduct or indecency on City property; or failure to exhibit acceptable behavior either during or outside duty hours such that the employee’s ability to perform his or her duties is impaired; or the ability of the City to perform its’ mission is or may be impaired; or causes the discredit to the City.
- (pp) Refusal to take and subscribe any oath or affirmation, which is required by law in connection with employment.
- (qq) Unlawful discrimination, harassment or retaliation.
- (rr) Conflict or interest.
- (ss) Any deliberate action that is extreme in nature and is detrimental to the City’s efforts to operate efficiently.
- (tt) Working overtime without authorization.
- (uu) Any violation or action inconsistent with these personnel system rules or officially promulgated City rules, regulations or policies.

Section 14.3 Types of Discipline

The following procedures shall be followed when, in the judgment of the department head, an employee has committed an act or omission that justifies disciplinary action. Disciplinary actions may range from informal conversations to formal termination. A typical progressive sequence of disciplinary actions used by the City is:

1. **Counseling:** The immediate supervisor usually counsels the employee. Counseling is informal discussion with an employee designed to assist the employee to fully develop his or her skills and abilities. The discussion may include, but shall not be limited to, clarifying standards, setting expectations and areas of concern, seeking information, or problem solving. Counseling is usually the action taken to assist the employee in clarifying the need for improvement.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

To provide both the supervisor and employee with a permanent record of a counseling, a written memo may be sent to the employee to clarify verbal agreements and the need for possible behavior change. No record of the counseling is placed in the employee's permanent personnel file unless disciplinary action of at least a written reprimand is later issued on the same problem.

2. Oral reprimand: The oral warning notifies the employee that his or her performance or behavior must be improved. Oral warnings are given by supervisors when counseling has failed to produce the desired change.

The warning shall define the areas in which improvement is required, set goals leading to this improvement, and shall inform the employee that failure to improve will result in more serious action. To provide both the supervisor and employee with a permanent record of a specific violation, a written memo may be sent to the employee confirming the conversation. The memo shall state the offense and consequences if corrective action is not taken. No record is placed in the employee's permanent personnel file unless subsequent action is necessary.

3. Written reprimand: A written warning is a formal notice to an employee of a performance or conduct problem.

The content of the written warning shall define what occurred, the date and time of event which is the cause of the reprimand, what was violated by the employee, what the employee is directed to do to correct the situation, and the employee's right to respond in writing within five (5) working days of the reprimand. The written reprimand shall be signed by the employee's supervisor, or department head, countersigned by the employee, and filed with the personnel officer. If the employee refuses to sign, it shall be noted as such on the memorandum. When the written warning is issued, the employee, shall receive one copy with both signatures affixed and a copy will be placed in the employee's permanent personnel file along with the employee's response if any.

4. Suspension,

A department head may suspend an employee from his or her position for cause. Documents related to a suspension shall become part of the employee's personnel file when the discipline is final. An employee subject to suspension will receive prior written notice and right of appeal as provided herein.

5. Demotion

A department head may demote an employee from his or her position for cause. Documents related to a demotion shall become part of the employee's personnel file when the discipline is final. An employee subject to demotion will be entitled to prior written notice and right of appeal as provided herein.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

6. Reduction in Pay

A department head may reduce an employee's pay for cause. A reduction in pay for disciplinary purposes may take one of two forms: (1) a decrease in salary to a lower step within the salary range, or (2) a decrease in salary paid to an employee for a fixed period of time. Documents related to a reduction in pay shall become part of the employee's personnel file when the discipline becomes final. An employee subject to a reduction in pay is entitled to prior written notice and right of appeal as provided herein.

7. Discharge

A department head may discharge an employee from his or her position for cause. Documents related to discharge shall become a part of an employee's personnel file when the discipline becomes final. A discharged employee is entitled to prior written notice and right of appeal as provided herein.

Section 14.4 Written Notice of Intent to Discipline

Only regular, for-cause employees have the right to the conference and appeal process outlined in Sections 14.4, 14.5, and 14.6. Written notice of the proposed disciplinary action (Suspension, Demotion, Reduction In Pay, or Termination) shall be given to the employee. Such notice shall include:

- (a) A statement which clearly defines the intent to take action, the proposed action to be taken and the effective beginning and ending time of intended action.
- (b) A statement of the specific grounds and particular facts upon which the proposed disciplinary action will be taken.
- (c) A copy of all written materials, reports or documents upon which the intended discipline is based.
- (d) A statement with the date and time of the Skelly conference with the department head.
- (e) A statement that the employee will be afforded the right to respond, either orally, in writing, or both within five (5) working days upon receipt of the intended disciplinary action, to the department head.
- (f) Notice that the failure to respond within five (5) working days shall constitute a waiver of the right to respond prior to the imposition of discipline.
- (g) The employee's signature on the notice of intent to render discipline shall acknowledge receipt of said notice by the employee. If the employee refused to sign it shall be noted as such on the notice of intent to discipline. The signature documentation on said notice shall acknowledge that the employee received the notice.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Section 14.5 Employee Response

Within five (5) working days the employee shall have the right to respond, in writing, or at the conference to the department head concerning the proposed action (Suspension, Demotion, Reduction in Pay, Termination).

If, within the five (5) working days response period, the employee, does not indicate a desire to participate in the pre-disciplinary Skelly process, the proposed action of the City should be considered conclusive and shall take effect as prescribed.

The employee's failure to make an oral response at the arranged conference time, or the employee's failure to cause his or her written response to be delivered by the date and time specified in the notice, constitutes a waiver of the employee's right to respond prior to the imposition of the discipline. In that case, the proposed disciplinary action will be imposed on the date specified.

Section 14.6 Final Notice of Discipline

Within 5 calendar days of receipt of the employee's timely written response or within 5 calendar days of the conference, the department head will (1) dismiss the notice of intent and take no disciplinary action against the employee, (2) modify the intended disciplinary action, or (3) impose the intended disciplinary action. In any event, the department head will prepare and provide the employee with a notice that contains the following:

- a. The level of discipline, if any, to be imposed and the effective date of the discipline;
- b. The specific charges upon which the discipline is based;
- c. A summary of the facts upon which the charges are based;
- d. A copy of all written materials, reports, or documents upon which the discipline is based; and
- e. A statement of the nature of the employee's right to appeal.

Section 14.7 Relief of Duty

The Personnel Director may place the employee on administrative leave with pay pending the completion of an investigation or opportunity to respond as may be required to determine if disciplinary action is to be taken. In the event of an oral notice, the City Manager shall confirm the action by giving the employee written notice.

Section 14.8 Appeal

An employee, who desires to appeal to the City Manager or designee shall inform the Personnel Director in writing within five (5) days of the department head's decision. The City Manager or designee shall hear the appeal within sixty (60) days after the employee informs the Personnel Director.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Section 14.8.1 Request for Appeal Hearing

A regular, for-cause employee may appeal from a final notice of discipline in the form of suspension, demotion, reduction in pay, or termination by delivering a written answer to the charges and a request for appeal to the Personnel Director, who will forward the appeal to the City Manager. The written answer and request for appeal must be received no later than 10 calendar days from the date of the department director's decision.

Section 14.8.2 Date and Time of the Appeal Hearing

The City Manager will set a date for an appeal hearing before himself/herself or the designee within a reasonable time after receipt of a timely request for appeal but no later than sixty (60) days. An employee who, having filed a timely request for appeal, has been notified of the time and place of the appeal hearing, and who fails to appear personally at the hearing, may be deemed to have abandoned his or her appeal. In such a case, the City Manager may dismiss the appeal.

Section 14.8.3 Identification of Issues, Witnesses and Evidence

No later than 10 days prior to the appeal hearing, each party will provide each other and the City Manager or designee a statement of the issues to be decided, a list of all witnesses to be called (except rebuttal witnesses), a brief summary of the subject matter of the testimony of each witness, and a copy of all evidence (except rebuttal evidence) to be submitted at the hearing.

The City will use numbers to identify its evidence; the employee shall use alphabet letters.

Neither party will be permitted to call any witness during the hearing who has not been identified pursuant to this section, nor use any exhibit not provided pursuant to this section, unless that party can show that they could not have reasonably anticipated the need for the witness or exhibit. The Personnel Board will state at the beginning of the hearing the decision as to the precise issue(s) to be decided.

Section 14.8.4 Conduct of the Appeal Hearing

a. Subpoenas

The City Manager or designee has authority to issue subpoenas in the name of the City prior to the commencement of the hearing. Each party is responsible for serving his/her/its own subpoenas. City employees who are subpoenaed to testify during working hours will be released with pay to appear at the hearing. City employees who are subpoenaed to testify during non-working hours will be compensated for the time they actually testify unless the City agrees to a different arrangement.

b. Continuances

The City Manager or designee may continue a scheduled hearing only upon good cause shown.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

c. Record of the Proceedings

All disciplinary hearings may, at the discretion of the parties, be either recorded by a court reporter or tape recorded. Any party who requests a transcript of the proceedings must pay for his/ her/ its own copy of a transcript.

d. The City Manager's (or designee's) Authority During the Hearing

The City Manager or designee has the authority to control the conduct of the hearing and to affirm, modify, or revoke the discipline.

e. Conduct of the Hearing

i. The hearing need not be conducted in accordance with technical rules relating to evidence and witnesses, but hearings shall be conducted in a manner the City Manager or designee, decides is the most conducive to determining the truth.

ii. Any relevant evidence may be admitted if it is the type of evidence upon which responsible persons are accustomed to rely upon in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in civil actions.

iii. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but over timely objection shall not be sufficient in itself to support a finding, unless such evidence would be admissible over objection in civil actions. An objection is timely if made before submission of the case.

iv. The rules dealing with privileges shall be effective to the same extent that they are now or hereafter may be recognized in civil actions.

v. Irrelevant and unduly repetitious evidence may be excluded.

vii. During the examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing upon the request of either party.

viii. All witnesses shall be sworn in for the record prior to testifying at the hearing.

f. Burden of Proof at the Hearing

The City has the burden of proof by a preponderance of the evidence.

g. Right to Due Process

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

The employee shall have the following due process rights during the hearing:

- i. The right to be represented by legal counsel or another chosen representative, at his or her own expense;
- ii. The right to call and examine witnesses on his or her behalf;
- iii. The right to introduce evidence;
- iv. The right to cross-examine opposing witnesses on any matter relevant to the issues;
- v. The right to impeach any witness regardless of which party first called him or her to testify; and
- vi. The right to rebut evidence against him or her.

i. Presentation of the Case

All parties and their counsel or representatives shall not disparage the intelligence, morals, or ethics of their adversaries or the City Manager or designee. The hearing shall proceed in the following order unless the City Manager or designee directs otherwise:

- i. The City shall be permitted to make an opening statement.
- ii. The employee shall be permitted to make an opening statement.
- iii. The City shall produce its evidence.
- iv. The employee shall produce his or her evidence.
- v. The City, followed by the employee, may offer rebuttal evidence.
- vi. Closing arguments of no more than 20 minutes shall be permitted at the discretion of the City Manager or designee. The City shall have the right to argue first, the employee may argue second, and the City may reserve a portion of its argument time for rebuttal.

j. Hearing Demeanor and Behavior

All parties and their attorneys or representatives shall not, by written submission or oral presentation, disparage the intelligence, ethics, morals, integrity or personal behavior of their adversaries or members of the Board.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

k. Written Briefs by the Parties

The City Manager or designee or the parties may request the submission of written briefs. The City Manger or designee will determine whether to allow written briefs, the deadline for submitting briefs, and the page limit for briefs.

5. Written Findings and Decision

The City Manager or designee shall render a statement of written findings and decision within 14 days after the hearing has been completed and the briefs, if any, have been submitted. The decision is final.

6. Proof of Service of the Written Findings and Decision

The City Manager or designee shall send its final statement of written findings and decision, along with a proof of service of mailing, to each of the parties and to each of the parties' representatives.

8. Statute of Limitations

The City Manager's (or designee's) written findings and decision is final. There is no process for reconsideration. Pursuant to Code of Civil Procedure section 1094.6, the parties have 90 days from the date of the proof of service of mailing of the written findings and decision to appeal the decision to the Superior Court in and for the County of Tulare.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS



CITY – OWNED EQUIPMENT

Section 15.1 Motor Vehicles – Use

Each city vehicle may be used only on city business and shall be stored in prescribed locations on city property when not in use. Normally, only the City Manager and a department head are allowed to take a vehicle home. The City Manager may make exceptions.

Section 15.2 Assignment

The City Manager shall assign each vehicle into the custody of a department head. The department head is responsible for proper use and safeguarding of that vehicle.

Section 15.3 Operation

Only an employee may operate a city vehicle. No officer or employee shall allow an unauthorized person to rent, borrow or use a city vehicle or permit a hitchhiker or other person not having business with the city to ride in a vehicle. An employee operating a city vehicle who is involved in an accident must report the accident immediately to the police department and the Personnel Director. No city employee may drive a city vehicle who does not have in his/her possession a valid driver's license. Each city employee shall comply with all city and state laws regarding the operation of city vehicles and is personally responsible for payment of a fine incurred while driving a city vehicle.

Section 15.4 Equipment Other Than Motor Vehicles

No city equipment, instruments, tools, supplies, machines or other items which are the property of the city may be used by an officer or employee engaged in outside employment. No employee shall take city property for personal use without permission of the appropriate department head. If permission is granted, the employee is responsible for its safe return. No officer or employee shall allow an unauthorized person to rent, borrow, or use city property except with prior permission of the City Manager or appropriate department head.

POLITICAL ACTIVITY

Section 16.1 Prohibited Conduct:

The City prohibits:

1. Employees and officers from engaging in political activities during work hours;
2. Political campaigning in City buildings or on premises adjacent to City buildings; and
3. An employee or officer from using his or her office to coerce or intimidate public employees to promote, propose, oppose, or contribute to any political cause or candidate.

Section 16.2 Examples of Prohibited Conduct

1. Participate in political activities of any kind while in uniform;
2. Participate in political activities during working hours;
3. Participate in political activities on City worksites;
4. Place or distribute political communications on City property;
5. Use equipment to make political communications;
6. Solicit a political contribution from an officer or employee of the City, or from a person on a City employment list, with knowledge that the person from whom the contribution is solicited is a City officer or employee;
7. Favor or discriminate against any employee because of political opinions or affiliations;
8. Interfere with any election; or
9. Attempt to trade job benefits for votes

16.3 Examples of Permitted Conduct

1. Express opinions on all political subjects or candidates;
2. Become a candidate for any local, state, or national election;
3. Contribute to political campaigns;
4. Join and participate in the activities of political organizations;
5. Request, during off-duty time, political contributions, through the mail or other means, from City officers or employees if the solicitation is part of a solicitation

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

made to a significant segment of the public which may include City officers or employees;

6. Solicit or receive, during off-duty time, political contributions from a City employee organization if the funds, when collected, were not earmarked for a clearly identifiable candidate for a federal, state or local office; or
7. Solicit or receive, during off-duty time, political funds or contributions to promote the passage or defeat of a ballot measure which would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of City officers or employees.

TRAINING OF EMPLOYEES

Section 17.1 Responsibility for Training

It is the policy of the City to encourage the training of employees. The City Manager and department heads have responsibility for developing training programs for employees. Training may include lecture courses, demonstrations, assignment of reading matter or other devices available for the purpose of improving the effectiveness and broadening the knowledge of a municipal officer or employee in the performance of his or her duties.

Section 17.2 Credit for Training

Participation in and successful completion of special training courses may be considered in making advancements and promotions. The employee shall file evidence of training programs with the personnel officer.

Section 17.3 Training Costs

When in the opinion of the City Manager a training course to be taken by an employee will benefit the City, the City Manager may authorize payment by the City of tuition charges, fees and textbooks. Textbooks purchased by the City become the property of the City. When tuition is paid by the City, the employee must file with the Personnel Department written evidence of his or her satisfactorily passing the course or he or she may be required to refund money paid by the City for the course. If the employee is separated from the city service within six(6) months after completing the course. This includes training for peace officers where none of the training or only a portion of the training was reimbursed by P.O.S.T. The employee will be responsible for the portion not reimbursed to the City.

GRIEVANCE PROCEDURE

Section 18.1 PURPOSE

The grievance procedure will give regular employees assurance that the City recognizes their right to be heard and assist them in achieving job satisfaction. The purpose of this procedure is to provide a just and equitable method for the resolution of grievances or complaints without prejudice. The intent of this policy is to:

- (a) Promote improved employer-employee relations by establishing grievance procedures on matters for which appeal or hearing is not provided by other regulations;
- (b) Give each employee a systematic means of obtaining further consideration of problems after every reasonable effort has failed to resolve them through discussion;
- (c) Settle grievances as near as possible to point of origin.
 1. Supervisors shall make every effort to resolve grievances informally at their level.
- (d) Provide that appeals shall be conducted as informally as possible.

Section 18.2 Definition of Grievance

Subject to the exclusions listed, a grievance is defined as any dispute that: (1) is job-related, (2) is wholly or partially within the province of the City to rectify or remedy, (3) concerns terms and conditions of employment, (4) involves the interpretation, application, or alleged violation of these rules or a current Memorandum of Understanding (MOU) between the City and a recognized employee organization representing City employees, and (5) is not subject to any other City dispute resolution process or procedure that is provided by statute, ordinance, resolution or agreement.

Section 18.3 Grievance Procedure

In every case involving a grievance, the employee shall first make an effort to resolve the grievance with his/her supervisor without delay. If the employee does not believe the problem is satisfactorily resolved, he/she may appeal in writing on the grievance form to the department head. The appeal must be filed within thirty (30) days of the date the employee knew or should have known of the circumstances giving rise to the grievance.

Section 18.4 Investigation of Facts/Decision of Department Head

The department head shall investigate the facts and issues and shall decide the matter at the earliest date consistent with the nature of the investigation but in any event, within 5 working days. The Department Head shall personally notify the employee of his/her decision in writing on the grievance form.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Section 18.5 Appeal to Personnel Director

If the employee desires to pursue the matter further, he/she shall notify the Personnel Director in writing on the grievance form within five (5) working days of the Department Head's decision.

Section 18.6 Employee Meeting

Within ten (10) days after the Personnel Director receives the grievance complaint, the grievance complaint, he/she will arrange a meeting of the employee, employee representative (if any,) and department head. At the meeting an earnest effort shall be made to arrive at a satisfactory resolution of the issue.

Section 18.7 Written Decision

If a resolution is not reached at the employee meeting, the Personnel Director shall make his/her decision in writing five (5) working days after the date of the meeting. The decision of the Personnel Director is final.

Section 18.8 Regulations During Grievance Procedure:

The following regulations apply during the grievance procedure:

- (a) An employee may request the assistance of another person of his/her own choosing in preparing and presenting the appeal at any level of the review;
- (b) The employee and his/her representative may use a reasonable amount of work time, determined by the appropriate department head, in conferring about and presenting the grievance.
- (c) The time limits specified in this rule may be extended to a definite date by mutual written agreement of the parties;
- (d) An employee may drop proceedings upon written notice at any state of the procedure;
- (e) The result of final adjudication shall be in writing and acknowledged by the signature of all parties;
- (f) Copy of the grievance complaint, department head conclusion and Personnel Director decision maintained in a file containing grievances;
- (g) There may not be discrimination, reprisal, or retaliation against any employee for availing himself/herself of the grievance procedure.

REPORTS AND RECORDS

Section 19.1 Personnel Files

The Personnel Director shall maintain a personnel record for each employee in the service of the City showing the name, title of position held, the department to which assigned, salary, changes in employment status, disciplinary action, performance evaluation, and such other information as may be considered pertinent by the Personnel Director. Personnel records are confidential and access to personnel records shall be limited.

Section 19.2 Access to Administrative Records

The City Attorney and the Personnel Director shall have access to all departmental records, documents, and papers pertaining to employees, the examination of which will aid in the discharge duties. All administrative records shall be maintained in a manner, which will preserve their confidentiality.

Section 19.3 Employee Access to Their Personnel Records

Section 19.3.1 Inspection of File

An employee may inspect his or her own personnel file, at reasonable times and at reasonable intervals. An employee who wishes to review his or her file should contact the Personnel Officer to arrange an appointment. The review must be done in the presence of a designated employee of Personnel.

Section 19.3.2 Copies

On request, an employee is entitled to receive a copy of any employment related document he or she has signed. An employee who wishes to receive such a copy should contact a designated employee of Personnel. On request, the City will also provide an employee single copies of any other documents in his or her personnel file. The City may charge a reasonable fee for the copies.

In the event the employee wishes to have another person/representative inspect his or her personnel file, the employee must provide the person/representative with written authorization. The employee will be notified of the date, time and place of the inspection in writing. It is the employee's responsibility to notify the person to whom the employee has given written authorization of the date, time and place of the inspection.

Under no circumstances is the employee and/or the employee's designee permitted to add or remove any document or other item from the employee's personnel file during the inspection.

Section 19.4 Access to Personnel Records by Department Heads

A Department Head shall have access to all records, documents, and papers pertaining to employees in his or her department, if the examination will aid in the discharge of his or her duties. The Department shall maintain this confidentiality.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Section 19.5 Destruction of Records

Upon approval of the City Attorney, all other records relating to personnel may be destroyed as prescribed by law.

Section 19.6 Purging of Employee Discipline Records

Only written reprimand may be expunged upon sustained corrective behavior after one year. The employee wishing to have a written reprimand purged shall make a written request to the City Manager. The City Manager shall consult with the employee's department head to substantiate that corrective behavior has been sustained for the one-year period. The City Manager shall obtain the concurrence of the department head before the records are expunged.

Section 19.7 Address Notification

Employees shall notify the personnel office of any change of name, address, or telephone number within five (5) calendar days of change.

Section 19.8 Performance Evaluations

It is the policy of the City to evaluate employee performance on a regularly scheduled basis. The performance evaluation shall normally be conducted by the employee's immediate supervisor and shall be discussed with the employee. The employee's immediate supervisor shall consider performance in relation to the duties outlined in the employee's position description.

A performance evaluation shall be completed prior to the completion of the probationary period, and annually thereafter. A performance evaluation shall be completed on at least an annual basis for regular employees and prior to the promotion or transfer of an employee. The Personnel Director will notify the employee's department head approximately thirty (30) days prior to the employee's anniversary date. It is the department head's responsibility to assure that the performance evaluation is completed and returned to the employee for signature prior to the employee's evaluation date. Special evaluation, as needed, may be given.



HARASSMENT DISCRIMINATION AND RETALIATION POLICY

Section 20.1 Purpose

It is the City’s intent and the purpose of this Policy to provide all employees, applicants, and contractors with an environment that is free from any form of discriminatory harassment, discrimination or retaliation as defined in this Policy. This Policy prohibits harassment or discrimination on the basis of any of the following protected classifications: an individual’s race, religion, color, sex, gender identity, sexual orientation (including heterosexuality, homosexuality and bisexuality), national origin, ancestry, citizenship status, uniformed service member status, marital status, pregnancy, age, medical condition and physical or mental disability (whether perceived or actual) or any other category protected by law. It is also the policy of the City to provide a procedure for investigating alleged harassment, discrimination and retaliation in violation of this Policy. The protection from discrimination includes the protection from retaliation for having taken action either as a complainant, or for assisting a complainant in taking action, or for acting as a witness or advocate on behalf of an employee in a legal or other proceeding to obtain a remedy for a breach of this policy.

Section 20.2 Policy

The City has zero tolerance for any conduct that violates this Policy. Conduct need not rise to the level of a violation of law in order to violate this Policy. Instead, a single act can violate this Policy and provide grounds for discipline or other appropriate sanctions. If you are in doubt as to whether or not any particular conduct may violate this Policy, do not engage in the conduct, and seek guidance from a supervisor or the Personnel Director.

Romantic or sexual relationships between supervisors and subordinate employees are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. The relationship may create an appearance of impropriety and lead to charges of favoritism by other employees. A welcome sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing.

Section 20.3 Definitions

1. Protected Classifications:

This Policy prohibits harassment or discrimination because of an individual’s protected classification(s). “Protected Classification” includes race, religion, color, sex, gender identity, sexual orientation (including heterosexuality, homosexuality and bisexuality), national origin, ancestry, citizenship status, uniformed service member status, marital status, pregnancy, age, medical condition and physical or mental disability (whether perceived or actual).

2. Policy Coverage:

This Policy prohibits elected officials, officers, employees and contractors from harassing or discriminating against applicants, officers, officials, employees and contractors because: (1) of an individual’s protected classification, (2) of the

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

perception of an individual is protected classification, or (3) the individual associates with a person who has or is perceived to have a protected classification.

3. Discrimination:

This Policy prohibits treating individuals differently because of the individual's protected classification as defined by this Policy.

4. Harassment:

Harassment means unsolicited words or conduct which subjectively and objectively offend another person. Harassment includes, but is not limited to, the following examples of behavior undertaken because of an individual's protected classification:

- a. Verbal harassment, such as epithets (nicknames and slang terms), derogatory or suggestive comments, propositioning, jokes or slurs, including graphic verbal commentaries about an individual's body, or that identify a person on the basis of his or her protected classification. Verbal harassment includes comments on appearance and stories that tend to disparage those of a protected classification.
- b. Visual forms of harassment, such as derogatory posters, notices, bulletins, cartoons, drawings, sexually suggestive objects, or e-mails on the basis of a protected classification. Visual harassment includes mimicking the way someone walks or talks because of their protected classification.
- c. Physical harassment, such as assault, touching, impeding or blocking movement, grabbing, patting, leering, making express or implied job-related threats in return for submission to physical acts, taunting, or any physical interference with normal work or movement.
- d. Sexual harassment, such as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature or any of the above described conduct when:
 - i. Submission to such conduct is either an expressed or implied term or condition of an individual's employment, or
 - ii. Submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual, or
 - iii. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating a hostile, intimidating or offensive work environment, or
 - iv. By definition, sexual harassment is not within the course and scope of an individual's employment with the City's.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

5. Discrimination/harassment does not include the following:
 1. Bona fide acts or omission of acts based solely upon bona fide occupational qualifications under Equal Employment Opportunity Commission and California Fair Employment and Housing Commissions Guidelines.
 2. Bona fide requests or demands by a supervisor that the employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with city or departmental rules or regulations, or any other appropriate work related communication between supervisor and employee.

Individual employees may be held personally liable for discriminatory acts, including sexual harassment.

Section 20.4 Retaliation

Retaliation against a person (and his or her associates) who reports or provides information about harassment or discrimination is strictly prohibited. Any act of reprisal violates this Policy and will result in appropriate disciplinary action. Examples of actions that might be retaliation against a complainant, witness or other participant in the complaint process include: (1) singling a person out for harsher treatment; (2) lowering a performance evaluation; (3) failing to hire, failing to promote, withholding pay increases, assigning more onerous work, abolishing a position, demotion or discharge; or (4) real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination.

Well-intentioned attempts to insulate or protect a complainant by changing his or her work environment or schedule or duties or by transferring the complainant to another office may be retaliatory. Before a supervisor takes such action, the supervisor should contact the Personnel Director.

Any act of retaliation will be treated as a separate and distinct incident, regardless of the outcome of the harassment or discrimination complaint.

Section 20.5 Reporting Harassment, Discrimination or Retaliation

An applicant, employee, officer, official or contractor who feels he or she has been harassed, discriminated against or retaliated against in violation of this Policy should report the conduct immediately as outlined below so that the complaint can be resolved quickly and fairly.

All employees involved in the complaint process may be represented by a person of their choosing and at their own expense.

1. Object to the Conduct

Sometimes an individual is unaware that his/her conduct is offensive. The offensive behavior may be eliminated by simply informing the offender that the conduct or language in question is unwelcome and offensive and request that it

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

be discontinued immediately. A person who believes he/she is being harassed is encouraged to use this process.

When the conduct in question continues after the offending person has been informed it is offensive, or if a person does not feel comfortable talking to the offending person directly, the employee should make a report in accordance with subsection 2 below or go directly to the formal reporting process.

2. Oral Report

If a person who believes that this Policy has been violated does not want to confront the offending person, he/she should report the conduct to a supervisor, department head or any City management employee. The individual may also seek the advice, assistance or consultation of a supervisor, department head, or any City management employee. Any supervisory or management employee who receives such a report must in turn direct it to the Personnel Director of Human Resources. The Personnel Director will determine what level of investigation and response is necessary.

3. Written Process

An individual who believes this Policy has been violated may provide a written complaint to a supervisor, department head or any management employee who in turn must direct the complaint to the Human Resources Department. Individuals are encouraged to use the Confidential Complaint Form for this purpose.

4. Option to Report to Outside Administrative Agencies

Applicants, employees, officers, officials and contractors have the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH).

Section 20.6 Supervisory Resolution

Whenever possible, employees who believe they are experiencing discrimination, discriminatory harassment or retaliation are encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or highly inappropriate. If this does not resolve the concern or if an employee feels uncomfortable, threatened, or has difficulty expressing his/her concern, assistance should be sought from a supervisor or manager.

Section 20.7 Formal Investigation/Response

1. Investigation

Upon receipt of a complaint of alleged harassment, discrimination or retaliation, the Personnel Director will be responsible for coordinating a thorough investigation (unless he/she is named in the complaint). The Personnel Director may coordinate the investigation with the complainant's department head and may hire an outside investigator if the City deems it appropriate. The type of

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

investigation undertaken, and the party chosen to conduct the investigation will depend on the nature of the complaint made and will be determined by the Personnel Director. The Personnel Director will report the status of investigations to the City Manager as appropriate.

The Director, in concurrence with the City Manager, may take interim action to diffuse volatile circumstances. The investigator will review the complaint allegations in an objective manner and to the extent that the City deems necessary. The investigation will normally include interviews with the reporting individual, the accused, and any other person who is believed to have relevant knowledge concerning the allegations. The investigator will remind all witnesses to maintain the confidentiality of the interview and that retaliation against those who report alleged harassment or who participate in the investigation is prohibited.

The City takes a proactive approach to potential Policy violations and will conduct an investigation if its officers, supervisors, or managers become aware that harassment, discrimination or retaliation may be occurring, regardless of whether or not the recipient of the alleged action or a third party reports a potential violation.

2. Remedial and Disciplinary Action

If the investigation determines that the alleged conduct occurred and that the conduct violated this Policy, the City will notify the complainant and perpetrator of the general conclusion(s) of the investigation and take effective remedial action that is designed to end the violation(s). Any employee or officer determined to have violated this Policy will be subject to disciplinary action, up to and including termination. Disciplinary action may also be taken against any official, supervisor or manager who condones or ignores potential violations of this Policy, or who otherwise fails to take appropriate action to enforce this Policy. Any official or contractor found to have violated this Policy will be subject to appropriate sanctions.

3. Closure

At the conclusion of the investigation, the Personnel Director will notify the complainant in general terms of the outcome of the investigation.

4. Confidentiality

Every possible effort will be made to assure the confidentiality of complaints made under this Policy. Complete confidentiality cannot occur, however, due to the need to fully investigate potential Policy violations and take effective remedial action. An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except as otherwise directed by a supervisor or the Personnel Director. Any individual who discusses the content of an investigatory interview will be subject to discipline or other appropriate sanction. The City will not disclose a completed investigation report except as it deems necessary to support a disciplinary action,

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or a court order.

Section 20.8 Responsibilities of Employees, Management and Supervisory Employees

1. Employees

In order to establish and maintain a professional working environment, while at the same time preventing harassment, discrimination, and retaliation, employees are expected to:

- Set an example of acceptable conduct by not participating in or provoking behavior that violates this Policy. Try not to be angry or insulted if an individual tells you that your behavior is offensive. People have different ethical values and standards and may be offended by behavior you think is proper. Tell the individual you did not realize your behavior was offensive, and immediately cease the conduct.
- Let fellow employees know when you consider behavior offensive. The City hires people from a wide variety of cultural and ethnic backgrounds, and an individual may not realize behavior he or she thinks is proper could be seen by others as offensive.
- Report harassment, discrimination or retaliation as quickly as possible, whether the employee is the target of the conduct or a witness.
- If an employee witnesses harassment, he or she should tell the individual being harassed that the City has a policy prohibiting such behavior, and that he or she can demand that the harasser cease the behavior.
- Maintain confidentiality as required by this Policy.
- Fully cooperate with the City's investigation of complaints made under this Policy.

2. Managers and Supervisors

In addition to the responsibilities listed above, managers and supervisors are responsible for the following:

- Implementing this Policy by taking all complaints seriously and modeling behavior that is consistent with this Policy. Direct all complaints to the Personnel Director.
- Taking positive steps to eliminate any form of harassment, discrimination or retaliation observed or brought to his/her attention.
- Making sure no department director, supervisor or other employee retaliates through any action of intimidation, restraint, coercion or discrimination.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

- Monitoring the work environment and taking appropriate action to stop potential Policy violations.
- Following up with those who have complained to ensure the behavior complained of has ceased.
- Informing complainants of their option to contact the EEOC or DFEH regarding a potential Policy violation.
- Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.
- Ensuring that his/her subordinates understand their responsibilities under this policy.
- Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

C. MANDATORY TRAINING

As part of its commitment to ensuring a work environment free from harassment and discrimination, the City requires that all of its employees receive training on this Policy during scheduled training. Human Resources will schedule training sessions each year to ensure that employees are able to complete the mandatory training. Attendance at the training will be documented.

All employees shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provision during his/her term of employment with the City of Lindsay.

1. Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.
2. All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1
3. If the required training is to be provided by DFEH online training courses, the Training Supervisor should ensure that employees are provided the link or website address to the training course (Government Code § 12950).

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Section 20.9 Disposition of Complaints

Only one of the following four (4) dispositions will be used to classify the disposition of an allegation of harassment:

- (a) Sustained Complaints- If the complaint is substantiated, this policy and procedure prohibiting discrimination/harassment will be reviewed with the offender. Appropriate disciplinary action and/or training, will be taken pursuant to disciplinary procedures.
- (b) Not Sustained Complaints- If there is insufficient evidence to either prove or disprove the allegation(s), both parties to the complaint will be informed of the reason(s) for this disposition.
- (c) Unfounded Complaint- If it is determined that an act reported pursuant to this policy/procedure did not in fact occur, a finding of unfounded shall be made.
- (d) Exonerated Complaints- If it is determined that an act reported pursuant to this policy/procedure did in fact occur, but was lawful and proper within the guidelines established herein, a finding of exonerated shall be made.

Should it be determined that the reporting party maliciously filed the complaint knowing that it was false or frivolous at the time of the complaint, that employee shall be subject to discipline up to, and including termination.

Section 20.10 Documentation of Complaints

All complaints or allegations shall be documented on forms and in manner designated by the Director of Personnel. All reports shall be:

- Approved by the Director of Personnel
- Maintained for a minimum of five (5) years

Section 20.11 Questions Regarding Discrimination or Harassment

Employees having questions are encouraged to contact a supervisor, manager, their department head, Personnel Director or the City Manager, or they may contact the California Department of Fair Employment and Housing at (800) 884-1684 or the Equal Employment Opportunity Commission (800) _____ 669-4000 _____ - (NEED PHONE NUMBER)

Section 20.12 Workplace Violence

The City of Lindsay is committed to providing a safe work environment that is free of violence and the threat of violence. The top priority in this process is effectively handling critical

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

workplace incidents, especially those dealing with actual or potential violence. The department of public safety will be notified of all incidents.

This policy sets forth the City's position regarding workplace violence and provides guidance to all employees, supervisors and managers in addressing workplace violence issues.

- A. Violence or the threat of violence, against or by any employee of the City or any other person is unacceptable.
 - (1) Should a non-employee, on City property, demonstrate or threaten violent behavior he/she may be subject to criminal prosecution.
 - (2) Should an employee, during working hours, demonstrate or threaten violent behavior he/she may be subject to disciplinary action in addition to criminal prosecution.

- B. The following actions are considered violent acts and are explicitly prohibited.
 - (1) Striking, punching, slapping, or assaulting another person.
 - (2) Fighting or challenging another person to fight.
 - (3) Grabbing, pinching or touching another person in an unwanted way whether sexually or otherwise.
 - (4) Engaging in dangerous, threatening or unwanted horseplay.
 - (5) Possession, use or threat of use, of a gun, knife or other weapon of any kind on the city property, including parking lots, other exterior premises, city vehicles, or unless such possession or use is a requirement of the job.
 - (6) Threatening or harming another person, or any other action or conduct that implies the threat of bodily harm.

- C. Any employee who is victim of any violent threatening or harassing conduct, any witness to such conduct, or anyone receiving a report of such conduct, whether the perpetrator is a city employee or non-employee person in the chain of command.

The appropriate person in the chain of command may include:

- (1) Immediate Supervisor
- (2) Department Head
- (3) Personnel Director
- (4) City Manager

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

If no one in the chain of command can be reached, the employee should report to the personnel department. In case of emergencies, the employee should call 911 immediately.

- D. No one, acting in good faith who initiates a complaint or reports an incident under this policy will be subject to retaliation or harassment.
- E. In the event the City fears for the safety of the perpetrator or the safety of others at the scene of the violent act, law enforcement will be called for assistance.
- F. Employees who violate this policy may be subject to disciplinary action up to and including termination.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

RULE XXI

SUBSTANCE ABUSE POLICY

Section 21.1 Introduction

The intent of this policy is to deter the misuse or abuse of legal or illegal substances that create a threat to the safety and health of any City Employee or member of the public. The City of Lindsay discourages alcohol and drug abuse and strives to achieve a work force free from the influence of drugs and alcohol.

In recognition of the City's responsibility to maintain a safe, healthful and productive work environment and each employee's responsibility to perform work for the public safely, effectively and efficiently, the City will act to eliminate any substance abuse which increases the risk of accidents, absenteeism, substandard performance, poor employee's morale or damage to the City's reputation. Substance abuse includes the use of or possession of illegal drugs, alcohol or controlled substance, which could impair an employee's ability to perform his or hers job safely, effectively and efficiently.

The City of Lindsay believes that its employees are its most important assets. Thus, a primary objective of the policy is to ensure that public safety and the welfare of our employees are not endangered as a result of substance abuse. Additionally, the City is committed to provide an employee with an opportunity for recovery and rehabilitation, enabling the affected employee to return to satisfactory job performance level.

Section 21.2 Purpose

This policy sets forth the City's position regarding substances abuse and provides guidance to all employees, supervisors and managers in addressing substance abuse issues.

Section 21.3 Policy

It is the City's policy that no employee shall:

- (a) Report to work under the influence of alcohol or drugs;
- (b) Be under the influence of alcohol or drugs while on standby;
- (c) Possess drugs while on duty or while on standby;
- (d) Use alcohol or drugs while on duty or while on standby;
- (e) Sell, distribute or provide alcohol or drugs to any employee or person while on duty or while on standby;
- (f) Sell, distribute or provide alcohol or drugs to any employee or person while on duty or while on standby;
- (g) Have their ability to work impaired as a result of the use of alcohol or drugs.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

While use of medically prescribed medication and drugs is not per se a violation of the policy, failure by the employee to notify his/her supervisor before beginning work when taking such medication or drugs which may interfere with the safe and effective performance of duties is a violation of this policy. In the event there is a question regarding the employee's ability to safely and effectively perform the assigned duties while using such medication or drugs, clearance from a qualified physician will be required.

The City reserves the right to search, without employee consent, all areas and property in which the City maintains full or joint control with the employee for the purpose of detecting the presence of alcohol or illegal drugs. Areas in which the City maintains full control include but are not limited to all City owned equipment. Areas jointly controlled by the City and employees include but are not limited to desks, lockers, file cabinets, office cabinets and bookshelves. Otherwise, the City may notify the appropriate law enforcement agency that an employee may have illegal drugs in his/her possession or in an area not jointly or fully controlled by the City.

Employees reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work and shall be detained for a reasonable time until an authorized City representative or law enforcement representative can transport the employee from the work site.

Violations of this policy may be grounds for disciplinary action, up to and including discharge. Refusal to submit immediately to a drug and/or alcohol test when requested by City management or law enforcement personnel, failure to cooperate during testing, or any acts taken by the employee to negate testing procedures, may constitute insubordination and may be ground for discipline up to and including termination.

The City has established a voluntary Employee Assistance Program (EAP) to assist those employees who voluntarily seek help for alcohol or drug problems. Employees should contact the Personnel Director or their supervisors for additional information. The City is committed to providing reasonable accommodation to those employees whose drug or alcohol problem classifies them as disabled.

Section 21.4 Application

This policy applies to all City of Lindsay employees as well as applicants for positions with the City of Lindsay. This policy applies to alcohol and to all substances, drugs or medications, legal or illegal, which could impair an employee's ability to effectively and safely perform the function of the job.

Section 21.5 Employee Responsibilities

An employee shall:

- (a) Not report to work or while on standby have his/her ability to perform job duties impaired due to alcohol or drug use, on or off duty.
- (b) Not possess, use, or be under the influence of alcohol or drugs (illegal drugs and legal drugs without a prescription) during working hours, while on standby, on breaks, during meal periods or while driving a personnel vehicle or City vehicle on City business;

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

- (c) Not directly or through a third party sell or provide drugs or alcohol to any person or to any other employee while either employee or both employees are on duty or while on standby;
- (d) Submit immediately to a drug and/or alcohol test when directed by a responsible City supervisor or management representative;
- (e) Notify his/her supervisor, before beginning work or when contacted for call back when taking any medications or drugs, prescription or non-prescription, or alcohol, which may interfere with the safe and effective performance of duties or operation of City equipment; and;
- (f) Upon request, provide a current valid prescription for any drug or medication identified when a drug analysis is positive within a reasonable time period. The prescription must be in the employee's name.

Section 21.6 Employee Complaint

- (a) Any employee may file a complaint with their department head regarding any employee whose performance is being affected by substance abuse.
- (b) An employee filing a complaint shall, within 24 hours, document in writing, the facts constituting reasonable suspicion that the employee in question was intoxicated or under the influence of drugs and/or alcohol.
- (c) Complaints, which are determined to be malicious or vexatious will not be tolerated and will subject the complaining individual to disciplinary action.

Section 21.7 Management Responsibilities and Guidelines

- A. Manager and supervisors are responsible for consistent enforcement of this policy.
- B. Managers and supervisors may direct an employee to submit to a drug and/or alcohol test when a manager or supervisor has a reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol. "Reasonable suspicion" is a belief based on objective and articulable facts sufficient to lead a reasonably prudent supervisor to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform his/her job safely is reduced.

For example, any of the following, alone or in combination, may constitute reasonable suspicion:

- (a) Slurred speech;
- (b) Alcohol on breath;
- (c) Problems walking or other physical activity impairments;
- (d) An accident involving City property;

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

- (e) Physical altercation;
 - (f) Verbal altercation;
 - (g) Behavior, which is so unusual that it, warrants summoning a supervisor or anyone else with authority;
 - (h) Possession of alcohol or drugs;
 - (i) Information obtained from a reliable person with personal knowledge.
- C. Any manager or supervisor directing an employee to submit to a drug and/or alcohol test shall, within 24 hours, document in writing the acts constituting reasonable suspicion that the employee in question is intoxicated or under the influence of drugs and/or alcohol. Any manager or supervisor encountering an employee who refuses to submit to a drug and/or alcohol test upon request shall remind the employee of the requirements and consequences of this policy.
- (j) Managers or supervisors shall not physically search employees.
 - (k) Managers and supervisors shall notify the appropriate law enforcement agency when they have reasonable suspicion or believe that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the City.
 - (l) Managers and supervisors may search areas jointly or fully controlled by the City.
 - (m) Managers and supervisors shall not confiscate, without consent, prescription drugs or medication from an employee who has a prescription.

Section 21.8 Employee Assistance Program

The City has a well-established voluntary Employees Assistance Program (EAP) to assist employees who seek help for substance abuse problems.

The EAP is available for assessment, referral to treatment, and follow-up. Any employee with the City of Lindsay wishing confidential assistance for a possible alcohol or drug problem may contact personnel, their insurance provider or the Employee Assistance Program for additional information.

Employees who are concerned about their alcohol and/or drug use are strongly encouraged to voluntarily seek assistance through the EAP or health insurance program. In addition, employees who are concerned about alcohol and/or drug use among their co-workers should strongly encourage those individuals to seek assistance through the EAP.

All Self-referral contacts are held in confidence by the EAP unless the employee requests, through specific written release of information, that the department, supervisors, union or other parties be notified.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

The employee's compliance with recommendations of the EAP is voluntary. Employee's job security and/or promotional opportunities will not be jeopardized by utilization of the EAP or any other treatment service.

If an employee requires leave time for substance abuse treatment, he/she can follow established personnel policy concerning sick leave usage.

Section 21.9 Confidentiality

The City recognizes the confidentiality and privacy due employees, and disclosure of any information relating to chemical abuse treatment, except on a need to know basis, shall only be with the expressed written consent of the employee involved or pursuant to lawful process.

Section 21.10 Compliance

Employees must, as a condition of employment, abide by the terms of this policy, and report any conviction under a criminal drug statute for violations occurring on or off city premises while conducting City Business. A report of a conviction must be made as soon as possible, but in no case more than five (5) days after the conviction.

MISCELLANEOUS RULES

Section 22.1 Dress Code

Employees of the City are required to dress appropriately for the jobs they are performing. Therefore, failure to follow the dress regulations contained in this section shall be grounds for discipline.

- (1) All clothing must be neat, clean, and in good repair.
- (2) Prescribed uniforms and safety equipment must be worn.
- (3) Foot wear must be appropriate for the work environment and functions performed.
- (4) Hair must be neat, clean and well-groomed.
- (5) Beards, mustaches, and sideburns must be maintained in neat and well-groomed fashion.
- (6) Jewelry is acceptable except where it constitutes a health or safety hazard.
- (7) Good personal hygiene is required.
- (8) Dress must be appropriate to the work setting particularly if the employee has public contact.
- (9) No tattoos are allowed anywhere on the head, face, or neck.
- (10) Any visible tattoos shall not be obscene, sexually explicit, discriminatory to sex, race, religion, or national origin, extremist, and/or gang-related. Any non-conforming tattoos will be covered with clothing or a bandage while at work or removed.
- (11) For employees working with the public, no objects, articles, jewelry or ornamentation of any kind shall be attached to or through the skin if visible on any body part including the tongue or any part of the mouth except one set of reasonably-sized earrings in each lobe. Any non-conforming piercing shall be removed, covered with a bandage, or replaced with a clear, plastic spacer.

If an employee has a question about how the piercing policy is applicable to them, the matter should be immediately raised with their supervisor for consideration and determination.

Section 22.2 Outside Activities

A full-time employee may not carry on concurrently with his/her public service, any private business or undertaking, attention to which affects the time or quality of his/her work or which casts discredit upon or creates embarrassment for the city government.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Section 22.3 Other Public Offices

An employee may not accept appointment to a county or state or position or otherwise incur an obligation of civil public service outside his/her regular municipal employment without first obtaining the recommendation of his/her department head and approval of the City Manager.

Section 22.4 Official Badge or Insignia

An official or employee who wears a badge or other official insignia as evidence of his/her authority may not permit the badge or insignia to be used or worn by another person without approval of the department head. The department head may not grant approval except to a person regularly and formally appointed by the City Manager to the position designated by the badge or insignia. The employee shall return the badge or insignia to the department head when he/she terminates.

Section 22.5 Purchase Order

No officer or employee may order services or merchandise without first being authorized to do so and obtaining a purchase order. Employee who orders services or merchandise without a purchase order is personally responsible for payment.

Section 22.6 Operating City Vehicles

Employees whose duties include the driving of a city vehicle shall possess a valid driver's license issued by the State of California, such license shall be carried at all times when so engaged.

Section 22.7 False Information

No employee of the City of Lindsay shall make false official reports or knowingly enter or cause to be entered in any department books, records, or reports, any inaccurate, false or improper information. A failure to enter information as required by an employee is also deemed to be false information.

Section 22.8 Release of Information

It is the City's policy that all requests for information concerning current or former employees, either by telephone or in writing, are to be referred to the Personnel Director.

It is the City's policy to state only that a person is (was) employed with the City, the date of employment and verification of title or position.

When a valid authorization for release of information, as determined by the Personnel Director is submitted, additional information may be release. All requests for references must be made in writing. Generally only written references will be provided and then only in conformance with the specific provisions of the former employees' authorization to release information.

Only job-related issues are to be discussed. Job-related issues include attendance, work habits, quality and quantity of work, supervision required and initiative.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Section 22.9 Employment of Related Persons

A policy concerning the employment of related persons applicable to personnel practices is desirable since employment decisions and/or supervision involving a related person may create potential conflicts of interest, create a negative or unprofessional work environment, or present concerns regarding supervision, safety, security or morale.

Section 22.9.1 Definition of “Related Person”

“Related Person” shall include: mother, father, grandmother, grandfather, or grandchild of the employee or spouse or domestic partner of the employee, and the son, son-in-law, daughter, daughter-in-law, brother or sister of the employee, or any other person living in the immediate household of the employee.

Section 22.9.2 Prohibited Conduct

- (a) Related person will not be eligible for employment with the City where potential problems of supervision, safety, security or morale, or potential conflicts of interest exist.
- (b) Related persons may not be employed in the same department nor under the same immediate supervisor where potential problems of supervision, safety, security or morale, or potential conflicts of interest exist.
- (c) One related person may not supervise another person where the potential for creating adverse impact on supervision, safety, security or morale exists.

Section 22.10 Meals and Breaks Periods

All employees except for police and fire personnel, are not on call during meal breaks unless directed otherwise by a supervisor. The time spent for meal period shall not exceed the authorized time allowed.

Each employee is entitled to a 15-minute break, near the mid point, for each four-hour work period. Only one 15-minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last two hours of an employee’s shift unless approved by a supervisor.

Section 22.11 Time Sheets

All employees are paid on a bi-weekly basis usually on Friday with certain exceptions such as holidays. Time sheets shall be completed and submitted to Administration no later than Monday on a bi-weekly basis, unless specified otherwise. Department heads are responsible for the accurate and timely submission of the time sheets for the payment of wages.

Section 22.12 Seatbelts

All employees shall wear available safety restraints whenever operating a City vehicle or equipment.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Section 22.13 Smoking

Smoking and other use of tobacco products is not permitted inside city facilities. It shall also be the responsibility of all employees to ensure that no person smokes or uses any tobacco product inside city facilities. Department heads may designate specific vehicles as “smoking” vehicle.

Section 22.14 Fitness for Duty

Section 22.14.1 Conditional Offer of Employment Examinations

After a conditional offer of employment has been extended to an applicant, the City may, in compliance with all applicable laws, require the applicant to submit to a fitness for duty examination prior to conferring appointment.

Section 22.14.2 Current Employee Examinations

The Personnel Director or a designee may require an employee to submit to a fitness for duty examination to determine if the employee is able to perform the essential functions of his or her job when: 1) the employee appears to be unable to perform or has difficulty performing one or more essential functions of his or her job; and 2) there is reason to question the employee’s ability to safely or efficiently complete work duties.

Section 22.14.3 Role of Health Care Provider

A City-selected health care provider will examine the employee at City expense. The City will provide the health care provider with a letter requesting a fitness for duty examination and a written description of the essential functions of the employee’s job. The health care provider will examine the employee and provide the City with non-confidential information regarding whether:

- 1) the employee is fit to perform essential job functions;
- 2) there are any reasonable accommodations that would enable the employee to perform essential job functions; and
- 3) the employee’s continued employment poses a threat to the health and safety of him or herself or others. Should the health care provider exceed the scope of the City’s request and provide confidential health information, the City will return the report to the health care provider and request another report that includes only the non-confidential fitness for duty information that the City has requested.

Section 22.14.4 Medical Information

During the course of a fitness for duty examination, the City will not seek or use information regarding an employee’s medical history, diagnoses, or course of treatment without an employee’s written authorization.

Section 22.14.5 Medical Information from the Employee’s Health Care Provider

An employee may submit confidential medical information to the City from his or her personal health care provider. If the employee provides written authorization, the Personnel Director will submit the information that the employee provides to the City-paid health care provider who

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

conducted the examination. The Personnel Director will request the City-paid health care provider to determine whether the information alters the original fitness for duty assessment.

Section 22.14.6 Interactive Process Discussion

After receipt of both the health care provider's fitness for duty report, and the analysis of the employee's personal health care information (if any) the Personnel Director will arrange for a discussion or discussions, in person or via conference telephone call, with the employee and his or her representatives, (if any). The purpose of the discussions will be in good faith to fully discuss all feasible potential reasonable accommodations. During the discussions, the Personnel Director will also discuss, if relevant, alternate available jobs for which the employee is qualified, or whether the employee qualifies for disability retirement or family and medical leave.

Section 22.14.7 Determination

After the discussions, the Personnel Director will review the information received, and determine if there is a reasonable accommodation that would enable the employee to perform essential job functions, or if the accommodations would pose an undue hardship on City finances or operations. The Personnel Director will inform the employee of his or her determination. The Personnel Director will use his or her discretion based upon the particular facts of each case.

COMPUTER, INTERNET, ELECTRONIC MAIL, AND VOICE MAIL

Section 23.1 Introduction

The City of Lindsay, hereinafter (City), is committed to providing employees with the business tools necessary in order to enhance efficiency in job performance and best serve the citizens of Lindsay.

Section 23.2 Purpose

This policy sets forth the City’s policy with respect to the use of computers, electronic mail (e-mail), intranet (internal messaging systems), mobile messaging, telephonic voice mail and Internet access and other electronic communications systems provided by the City of Lindsay.

Section 23.3 Applicability

The provisions of this policy apply to all employees of the City of Lindsay, including full-time and temporary employees, as well as volunteers, agents and vendors.

Section 23.4 General Provision

With the rapidly changing nature of electronic media, and the “etiquette” which is developing among users of external on-line services and the Internet, this policy cannot lay down rules to cover every possible to be applied to use of computers, electronic mail (e-mail), intranet (internal messaging systems), and mobile messaging systems, telephonic voice mail and Internet access and other electronic communications systems provided by the City of Lindsay.

Section 23.5 No expectation of Privacy

The city respects the individual privacy of its employees. However, employee privacy does not extend to the employee’s work-related conduct or to the use of City-provided equipment or supplies.

Section 23.6 Ownership

E-mail, telephonic voice mail, internal messaging systems, Internet access and other electronic communications systems are provided only for the purpose of conducting City business. All electronic communications of any sort or type generated by employees with City equipment or stored on city equipment are the property of the City of Lindsay.

The City recognizes that there may be incidental or occasional personal use of e-mail or voice mail but these messages will be treated the same as other messages. The City reserves the right to access and disclose as necessary all messages sent over its e-mail or voice mail system, without regard to content. Since your personal messages can be assessed by the City management without prior notice, you should not use e-mail or voice mail to transmit any messages you would not want read, or listened to by a third party. Misusing the Internet e-mail system, or telephonic voice mail systems will subject you to disciplinary action up to and including termination.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

All software programs, computer files and other documents created by City employees on City computer or other electronic systems are the property of the City and therefore exclusively owned by the City.

Section 23.7 Prohibited Uses

All employees are prohibited from:

- (a) Installation of programs on the City's computer systems (including virus checking and screen savers) without prior written consent of the department head.
- (b) Copying City Software programs for personal use;
- (c) Use another employee's password to attempt to gain access to the employee's computer electronic mail (e-mail), Internet access or other electronic communications systems;
- (d) Connecting computers (including laptops and personal computers) not owned or leased by the City to the City's information system network without prior written consent;
- (e) Using the access code, log-on or password of other employees to gain access to their e- mail or computer records, without prior consent.
- (f) Disclosing access codes, log-on or password of otherwise make the City electronic resources available to persons not authorized to have such access;
- (g) Infringing on others' access and use of the City's information systems, including, but not limited to:
 - 1. Sending of excessive messages, either locally or off-site;
 - 2. Unauthorized modifications of system facilities, operating systems or disk partitions;
 - 3. Attempting to crash or tie up a City computer or network;
 - 4. Attempting or gaining unauthorized access to or damaging or vandalizing City computing facilities, equipment, software, or computer files;
 - 5. Developing or using a modem on City owned or leased computers without the prior written consent;
 - 6. Installing or using a modem on City owned or leased computers without the prior written consent.
 - 7. Violating any federal, state or local laws in the use of City information systems;

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

8. Violating any copyright or license to software, information (including, but not limited to, text images, icons, programs, etc.) Whether created by the City or any other person or entity;
- (h) Exposing others, either intentionally or unintentionally, to material which is offensive, obscene or in poor taste;
- (i) Any use that would be offensive to a reasonable person because it involves an individual's race, religion, color, sex, gender identity, sexual orientation (including heterosexuality, homosexuality and bisexuality), ethnic or national origin, ancestry, citizenship status, uniformed service member status, marital status, family relationship, pregnancy, age, medical condition (cancer or HIV/AIDS related), genetic characteristics, and physical or mental disability (whether perceived or actual);
- (j) Communication of confidential City information to unauthorized individuals within or outside the City;
- (k) Sending messages with content that conflicts with any City policies, rules or other applicable laws;
- (l) Unauthorized attempts to access City data or systems;
- (m) Theft or unauthorized copying of electronic files or data;
- (n) Initiating or sustaining chain letters, and
- (o) Intentionally misrepresenting one's identity for improper or illegal acts.

Section 23.8 Violations of This Policy

Violations of any provision of this policy may result in disciplinary action up to and including termination of employment.

**FEDERAL HEALTH CONTINUATION REQUIREMENTS THE CONSOLIDATED
OMNIBUS RECONCILIATION ACTS OF 1985**

Section 24.1 Continuation Rights as an Employees

The Employee covered by the City group health plan, has the right to choose Continuation Coverage if the employee losses his/her group health coverage because of a reduction in hours of employment or termination of employment, except for reasons of gross misconduct.

Section 24.2 Continuation Rights as a Spouse

The spouse of an employee covered by a group health plan, has the right to chose Continuation coverage if the employee’s group health coverage is lost due to:

- (1) The death of the employee
- (2) Termination of the employee’s employment (for reason other than gross misconduct) or reduction in his or her hours of employment;
- (3) Divorce or legal separation; or
- (4) The employee’s entitlement to Medicare.

Section 24.3 Continuation Rights as a Dependent Child

A dependent child of an employee covered by a group health plan has the right to Continuation Coverage if the employee’s group health coverage is lost due to:

- (1) The death of the employee
- (2) Termination of the employee’s employment (reasons other than gross misconduct) or reduction in his or her hours of employment;
- (3) Divorce or legal separation;
- (4) The employee’s entitlement to Medicare; or
- (5) The dependent ceasing to be dependent child as defined under this group health plan.

Section 24.4 Notice Requirements

The law requires that the employee or family member inform the Plan Administrator, within 60 days, of a divorce, legal separation or when a child is no longer a dependent as defined under group health plan. If the Plan Administrator is someone other than the employer, then the employer has the responsibility to notify the Plan Administrator, within 30 days, in the case of employee’s death, termination of employment, reduction in hours or Medicare entitlement. When the Plan administrator is notified that one of these events has happened, the Plan Administrator will in turn notify the employee within 14 days, that he/she has the right to choose Continuation Coverage. The employee then has 60 days from the date they would lose coverage or the date of the notice, whichever is greater, to elect Continuation Coverage.

Each person who loses group health coverage has a separated right to make an election. If Continuation Coverage is not elected, group health coverage may end.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Section 24.5 Premium Payment

A person electing Continuation Coverage may be responsible for the payment for the continued coverage. In most cases the maximum amount that may be charged for Continuation Coverage is 102% of the applicable group premium.

The first premium for Continuation Coverage is due by the 45th day following the date the person elects Continuation Coverage.

The employee has the right to make all future premium payments on a monthly basis. However, annual, semi annual or quarterly payments may also be made if the employee and employer so agree. A grace period of 30 days (or one equal in length to the employer grace period, if longer) will be allowed for late payment of any monthly premium.

Failure to pay the premium by the end of the grace period may cause termination of Continuation Coverage.

Section 24.6 Length of Continuation Coverage

The maximum length for Continuation Coverage is 18 months when the cause for loss of coverage is termination of employment or reduction in the hours of the employee. In all other cases, the Continuation Coverage period 36 months. Continuation Coverage, however, may terminate before the end of the 18 or 36 month period when:

- (1) The former employer no longer provides group health coverage to any of its employees;
- (2) The premium for Continuation Coverage is not paid by the end of the grace period;
- (3) The employee becomes covered under another employer sponsored health plan, except when the new plan has a pre existing condition provision; or
- (4) The employee becomes entitled to Medicare.

When Continuation Coverage terminates, the employee will be allowed to convert to an individual health conversion policy, if a health conversion privilege is available to similarly situated active employees.

Section 24.7 Extension of Continuation Coverage

If the employee and his/her spouse or dependent children have elected Continuation Coverage for 18 months due to termination of employment or reduction in hours and before the end of the 18 month period:

- (1) The employee dies
- (2) The employee divorces or becomes legally separated; or
- (3) The employee becomes entitled to Medicare,

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

The spouse and dependent children may extend Continuation Coverage. Additionally, during the 18 month period, if a child loses dependent status, the child may also extend Continuation Coverage.

In these instances, Continuation Coverage will be extended up to 36 months from the date coverage was originally lost, subject to payment of up to 102% of the applicable group premium.

Section 24.8 Pre-existing Medical Conditions

If the employee's Continuation Coverage terminates because the employee became covered under another employer sponsored health plan and that plan limits or reduces the employee's coverage due to a pre-existing medical condition, the employee may maintain Continuation Coverage for the balance of the applicable 18 or 36 months period.

Continuation Coverage will then pay benefits for the pre-existing medical condition without regard to any other group health coverage. All other benefits will be coordinated with the new group health plan so that no more than 100% of allowable expenses under both group health plans will be payable.

Section 24.9 Social Security Disability

If the employee, his/her spouse or dependent child are disabled at the time of termination in employment or reduction in hours, the disabled person may be entitled to 29 months of Continuation Coverage instead of 18 months.

To qualify for this extension, he or she must apply for disability status under the Social Security Act and notify the Plan Administrator when a determination of disability is made. This notice must be provided to the Plan Administrator within 60 days after the date of determination and prior to the end of the 18- month continuation period. The disabled person must also notify the Plan Administrator within 30 days of the date the Social Security Administration determines that he or she is no longer disabled. This extended Continuation Coverage will then terminate on the first day of the month, which begins after the 30 days of the date of final determination by Social Security.

The first 18 months of Continuation Coverage may require payment of up to 102% of the applicable group premium. The next 11 months may require payment of up to 150% of the applicable group premium.

Section 24.10 State Continuation Rights

Several, but not all states, have continuation options from which the employee may choose as alternatives to Continuation Coverage. If the group health plan requires the employer to offer a state continuation option, there should be an explanation in the employee's group health booklet. The employee may elect either the State Continuation or Continuation Coverage but the employee cannot elect both.

This policy is intended to provide the employee with a brief explanation of COBRA. It is not intended to provide the employee with legal advice.

CITY OF LINDSAY – PERSONNEL RULES AND REGULATIONS

Any notice of change of address, change of marital status, or children's status should be sent to the employer at:

City of Lindsay
251 E. Honolulu
P.O. Box 369
Lindsay, CA 93247