

CITY OF WEST COVINA



PERSONNEL RULES

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RULE I

GENERAL PROVISIONS

SEC. 1.1 PURPOSE

These rules are intended to implement and supplement the Personnel Ordinance and the Classification and Salary Resolution in the establishment and maintenance of a justifiable, efficient, and uniform personnel program for the City of West Covina.

SEC. 1.2 APPLICABILITY

The provisions of these rules shall apply to all classified employees. The applicability of these rules to unclassified employees is limited to position classification, attendance, vacation and holidays, leave policies, outside employment, long term disability, political activity, solicitation, and discrimination, except where specified.

SEC. 1.3 TENSES, GENDER, AND NUMBERS

The present tense includes the past and future tenses; and the future, the present. "Shall" is mandatory and "may" is permissive. The masculine gender includes the feminine and neuter. The singular number includes the plural; and the plural, the singular.

SEC. 1.4 ORGANIZATION OF RULES

The rules are grouped by major subject areas. These are identified by Roman numerals and further by numeric designation, e.g.; 1, 2, 3. Within each major subject area the sections are coded numerically beginning with the number immediately following the subject area number. The more detailed subject matter pertaining to a section is identified by numerical and alphabetical codes.

The order of major subject areas, with some exceptions, correspond to the sequence of events involving an employee. Deviation from this approach was necessary in order to ensure the grouping of all rules pertinent to a given subject area.

SEC. 1.10 **ADMINISTRATIVE RESPONSIBILITIES**

A. Personnel Officer

1. The duties and responsibilities of the Personnel Officer may be assumed entirely by the City Manager, entirely by another employee designated as Personnel Officer, entirely by an individual or agency with which the City contracts for their performance, or such duties and responsibilities may be divided among any combination of the foregoing.
2. In the event that the city Manager delegates all or part of his/her powers and duties as Personnel Officer as provided in these rules to another officer or employee of the city, such employee may be employed on a full-time or part-time basis. The position of Personnel Officer may be combined with any other position in the City service.
3. The Personnel Officer shall establish and maintain in a modern and efficient manner, a roster of officers and employees of the City, an individual employment folder for each employee containing all papers pertinent to said employee's work history, such forms, records, and documents as required to implement the proper administration of the classification and salary plans, the examining program, and such other aspects of the overall personnel programs as are necessary.
4. The Personnel Officer shall be responsible for the preparation and revision of such forms, documents, records and operating procedures as are necessary for the accomplishment of the provisions of these rules, the Personnel Ordinance and the Classification and Salary Resolution and as are required in the administration of the personnel program for the City.

B. Contracting for Services

The City Manager shall consider and make recommendations to the Council regarding the extent to which the city should contract for the performance of technical services in connection with the development and administration of any phase of the personnel program and the Council may contract for the performance of such service with a qualified person or agency.

C. Personnel Commission

1. The regular monthly meeting of the Personnel Commission shall be held at the time and place which the Commission may determine. The City Council must confirm the meeting time and place by resolution. The Personnel Officer shall give written notice of special meetings to all members of the Commission at least 24 hours prior to the meeting. The notice may be delivered personally or by mail; and shall contain a statement of the purpose of the meeting.

2. The Commission shall maintain official minutes of its actions. The Personnel Officer shall arrange for taking and preparation of the Commission's minutes.
3. All substantive requests, recommendations and actions of or to the Commission shall be in writing and shall be made part of the record.
4. Each Commission member shall recognize that it is the policy of the Commission to act as an official body. No member or combination of members of the Commission shall grant a private or unofficial hearing to any employee or group of employees, or pursue any such course as might be construed to be prejudicial for or against any employee or group of employees, or encourage the violation of the passing of any step or stage in the official lines of authority within the City organization, or any step or stage of procedures established by these rules, the Personnel Ordinance, or the Classification and Salary Resolution.
5. At any hearings conducted by the Commission, the Personnel Commission may make provisions to keep stenographic records of the proceedings. When a decision is made by the Commission, it shall be reduced to writing and incorporated in the records.

SEC. 1.11 **AMENDMENT OF THE RULES**

A. Power to Amend

The City Council shall have authority to adopt, amend, or appeal the Personnel Rules as provided in Section 2-192, paragraph (b) of West Covina Municipal Code.

B. Hearings on Amendments

1. At the Council's discretion, upon recommendation of the Personnel Officer and for Personnel Commission, the Council may authorize the Personnel Commission to conduct hearings relative to any proposed amendment to the Personnel Rules.
2. In the event such hearings are to be held, the Personnel Officer, upon request of the Personnel Commission, shall post notices in all City departments announcing the times of, and describing the issues involved in, such hearings, such notices shall be posted no less than five (5) working days prior to the date of the hearing.

SEC. 1.12 **DEFINITION OF TERMS**

A. General Definition

All words and terms used in these Rules and in any resolution or ordinance dealing with personnel policies, systems, or procedures shall be defined as they are normally and generally defined in the field of personnel administration.

B. Specific Definitions

1. "**Allocation**" means the official assignment of an individual position to an appropriate class in accordance with its duties and responsibilities.
2. "**Appointing Authority**" means the City Manager, Division Manager, or Department Head having the power by law or ordinance to make an appointment to any position in a specified department of the City of West Covina.
3. "**CalendarMonth**" means any of the twelve months starting on the first day thereof and terminating at the close of the last day thereof.
4. "**Class**" or "**Class of Positions**" is composed of all positions in the City service having duties and responsibilities sufficiently similar so that the same requirements as to education, experience, knowledge, and ability may be demanded of incumbents and so that the same schedule of compensation may be made to apply with equity to all.
5. "**Classified Service**" means all positions in the city service except for those specifically exempted by Section 2-236 of the Municipal Code.
6. "**Compensation**" means the salary, wage, allowance, and all other forms of valuable consideration earned by or paid to any employee by reason of service in any position, but does not include expenses authorized and incurred incidental to employment.
7. "**Continuous Service**" means regular service in the employ of the city without a break or interruption. A deliberate severance of the employee from his/her employment initiated by either the City or the employee for periods of more than 15 days constitutes a break in continuous service.
8. "**Council**" means the City Council of the City of West Covina.
9. "**Department**" includes offices and various sections of departments and is a portion of the organization designated as such on the Organization Chart.

10. **"Department Head"** means the head of an established department, having supervision of such department.
11. **"Desirable Qualifications"** as stated in the class specifications means those requirements deemed highly suitable for a person entering a position in the classification described.
12. **"Division Manager"** is the manager of several departments, having supervision of Department Heads and reporting to the City Manager.
13. **"Elective Service"** means all positions of elected officers.
14. **"Eligibility List"** means the names of successful applicants according to relative performance on the total weighted examinations.
15. **"Employee"** means a person legally occupying a position in the City service.
16. **"Employee Organization"** means any organization which includes City employees and which has as one of its primary purposes the representation of such employees in their relations with the City.
17. **"Full-Time Employees"** shall mean those employees whose positions require the total number of hours prescribed for normal employment in the class or position. All positions shall be full-time unless otherwise designated, or unless the compensation is fixed upon the basis of part-time work.
18. **"Lateral Entry"** A Police Officer possessing a California P.O.S.T. Basic Certificate and employed for a minimum of 18 months with a California Police or Sheriff's Department or Highway Patrol.
19. **"Limited Service"** includes all or any of the following:
 - a. **"Part-time Employee"** means a person holding an authorized position which is designated part-time, and the compensation for which is fixed upon the basis of part-time work.
 - b. **"Seasonal Employee"** means a person employed in a position which is not regular and is not dependent upon a condition of emergency, but is regularly recurrent in certain offices or departments.
 - c. **"Temporary Employee"** means a person employed on a temporary basis because of the workload within a department.

- d. **"Federally Funded Employee"** means a person employed under the provisions of a Federal Government subsidy. May be full-time or part-time with benefits applicable.
20. **"Majority Representative"** means a recognized employee organization that has been granted formal recognition by the city Council upon the recommendation of the Personnel commission as representing the majority of employees in an appropriate unit.
21. **"Meet and Confer in Good Faith"** means that the authorized representatives of the City and the representatives of recognized employee organizations have the mutual obligation personally to meet at reasonable times and confer in order to freely exchange information, opinions, and proposals and to endeavor to reach agreement on matters within the scope of representation. The obligation to meet and confer in good faith does not compel the representatives of either party to agree to a proposal or to make a concession.
22. **"Military Leave"** means leave of absence for Military Duty.
23. **"Position"** means a combination of current duties and responsibilities legally assigned to a single officer or employee and performed on either a full or part-time basis.
24. **"Probationary Period"** is defined as a working test period during which an employee is required to demonstrate his/her fitness for the duties of the position to which he/she is appointed.
25. **"Provisional Employee"** shall be a full-time employee appointed in the absence of an eligibility list for a stipulated period of time.
26. **"Reallocation"** means a change in allocation of an individual position from one class to another.
27. **"Recognized Employee Organization"** means an employee organization that has been recognized as provided for herein by the City as an employee organization that represents city employees. The rights accompanying recognition are either:
- a. **"Formal Recognition"** which is the right to meet and confer in good faith as the majority representatives in an appropriate unit; or
 - b. **"Informal Recognition"** which is the right to consultation in good faith by all recognized employee organizations.
28. **"Strike"** means any concerted stoppage of work by a City employee or employees, or a concerted slow-down or other concerted interruption of City operations by an employee or employees. A strike shall be considered an emergency situation.

- 29. **"Title," "Class Title," or "Title of Class"** means the official name applied to a class and to each position allocated to the class and to the legally appointed incumbent of each such position.
- 30. **"Unclassified Service"** includes those positions as specified in Section 2-236 of the Municipal Code, which are exempted from the **"Classified Service"** in the annual Management/Confidential Salary and Benefit Resolution and Section 2-236 of the Municipal Code.

SEC. 1.13 **POLITICAL ACTIVITY**

A. During Working Hours

Employees in the service of the City shall not advocate the election or defeat of any ballot proposition or any candidate for any political office or engage in any other kind of political activity during his/her assigned working hours or while dressed in the uniform required in any department of the city whether or not it is during his/her assigned working hours.

B. Political Contributions

No officer or employee of the city, or any other person directly or indirectly shall solicit or receive, or in any manner be concerned in soliciting or receiving, from anyone on an eligible list or employed in the service of the city any assessment, subscription, contribution, or political service, for aiding or assisting in the campaign for election, or appointment to any political or official or other position in the City, either partisan or nonpartisan.

C. Political Affiliation

No person in the City service or seeking admission thereto shall be favored or discriminated against in his/her employment because of political affiliations.

SEC. 1.14 **EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION**

A. Policy

The City of West Covina will take affirmative action to:

1. ensure that the City does not discriminate in employment on the basis of race, color, religion, national origin, sex, age, handicap, or marital status;
2. ensure that employment decisions are based on job-related criteria; and
3. improve the utilization in the city work force of various ethnic groups, women or men and the handicapped where they are not adequately represented.

B. Age Discrimination

1. The rules provide that any person possessing the minimum qualifications for the position is eligible to take any examination, regardless of age, and that the Commission, the Personnel Officer, or any appointing power shall not adopt any rule prohibiting the employment of any person, otherwise qualified, in any City employment solely because of age.
2. Age Limits. These rules provide that minimum or maximum age limits for any examination shall not be established and that age shall not be a minimum qualification for any City employment in the classified service provided that the Council may fix minimum or maximum age limits for public safety officers.
3. Retirement Allowance. A person shall not be employed in city employment while he/she is receiving a retirement allowance under the city employees' retirement system of the City by reason of prior service with the City.
4. Retirement Age. This section does not require nor authorize the City to employ any person who has attained the retirement age for that particular employment prescribed by the City employees' retirement system.

C. Disabled Employees

1. The City's policy shall be to make such efforts as are consistent with the provisions of these rules, to place physically or mentally disabled employees in such positions as are available in the City service where their disabilities will not affect their performance of duties.
2. No employee shall hold any position in a class, where he/she is physically and/or mentally unable to perform fully the duties of such position, and without hazard to himself/herself or others.

D. Marital Status

1. Policy

It is the policy of the City of West Covina not to discriminate in its employment and personnel actions with respect to its employees, prospective employees, and applicants on the basis of marital status relationship. No employee, prospective employee, or applicant shall be improperly denied employment or benefits of employment on the basis of his/her marital status or relationship. This policy applies to the selection of persons for a training program leading to employment in addition to the above-designated persons.

2. Marital status -Defined

Marital status is defined as an individual's state of marriage, non-marriage, divorce or dissolution, separation, widowhood, annulment, or other marital state for the purpose of this antidiscrimination policy.

3. Inconsistent Relationships

Notwithstanding the above provision, the City retains the right, and has implemented relevant Rules contained herein, to address possible problematical employment situations involving spouses.

RULE II
CLASSIFICATION

SEC. 2.1 THE CLASSIFICATION PLAN

The council upon recommendation of the Personnel Officer and review of the Personnel Commission shall create and adjust classes of positions in the classified service which classes shall be known as the "Position Classification Plan of the City of West Covina."

- A. The council, at any meeting thereof and upon recommendation of the Personnel Officer and review of the Personnel Commission, may by resolution, adopted by a majority vote, create new classes or divide, combine or abolish existing classes and may reassign a class from one salary range to another.
- B. All existing positions and all new positions in the classified service created or established by the Council shall be allocated by the Personnel Officer to their proper class in the classification plan.
- C. The classification title of a position shall be used in all official personnel and budget records and transactions.
- D. Whenever in the judgment of the Council it is necessary for the expeditious transaction of the business of the City for a department to employ a person on an emergency or extra help basis in a position for which there is no classification, then the Council may authorize such employment. In such case the Council, on recommendation of the Personnel Officer, shall by motion, fix the amount of compensation, and may determine the minimum qualifications for such additional employees, and shall limit in advance the period of time the position may be allowed.

SEC. 2.2 CREATION AND ABOLISHMENT OF POSITIONS

- A. The Council shall have authority to create and abolish positions in the City service.
- B. The incumbent of an abolished position may be laid off, transferred, or demoted. Such action shall not be subject to the appeal process.

SEC. 2.3

AMENDMENT AND MAINTENANCE OF CLASSIFICATION PLAN

Whenever one or more new positions are under consideration for possible establishment, or whenever because of any revision in organization methods, a significant change of the duties or responsibilities of any existing position is made which may require the reallocation of such position, or whenever a new class is created to which any position may more appropriately be allocated, or whenever because of the abolishment or combination of any existing positions, or classes, an amendment of the classification plan is required, one or a combination of the procedures stipulated in the following shall be observed:

1. The appointing authority shall forthwith report any significant facts relating to such possible changes in writing to the Personnel Officer in the manner prescribed.
2. The Personnel Officer upon written request of any employee, or upon his/her own initiative, after consultation with the head of the department concerned, may undertake an inquiry of the classification of any position.
3. Upon either of the above initiations, the Personnel Officer shall study the assigned duties and responsibilities of any such position and the qualifications required for filling the same, and of the relationships of such positions to other classes of positions in the classification plan.
4. On the basis of such investigation the Personnel Officer shall then make determinations for no change in allocation of the position, or allocation of the position to a more appropriate class in the existing classification or the establishment of the new class to which the position would be allocated, whichever is the appropriate action.
5. The Personnel Officer shall recommend to the Council any change in the existing classes and class specifications he/she deems appropriate. Such proposed changes shall be reviewed by the Personnel Commission as provided in these Rules.

SEC. 2.4

CLASS SPECIFICATIONS

- A. The Personnel Officer shall maintain a written specification for each class, and such class specifications when approved and adopted by the Council, shall constitute the official specifications of classes in the City service. Such specifications shall be based on a study of the duties and responsibilities of positions in the City services. Each class specification shall set forth the title of the class, class definition, distinguishing characteristics, if necessary, examples of duties, and a statement of qualifications for proficient performance of the work.

- B. The official copy of each class specification shall be contained in the official book of class specifications maintained by the Personnel Officer. The official copy of the specification shall be open to inspection by employees and the public.
- C. Said specifications referred to herein and any modifications or amendments thereto shall be made by a Resolution, duly passed and adopted by the majority vote of the Council.

SEC. 2.5 **INTERPRETATION OF CLASS SPECIFICATIONS**

The class specifications are descriptive and explanatory and not restrictive. They are intended to indicate the kinds of positions allocated to the various classes and should not be construed as limiting the assignment of duties and responsibilities to any position. The use of a particular expression or an illustration as to duties should not be interpreted to exclude others not mentioned that are of similar kind or quantity. The specifications for each class should be considered in its entirety and in relation to other classes in the classification plan. Consideration should be given to the general duties, specific tasks, responsibilities, qualifications desired and relation to other positions as affording together a picture of the kind of employment the class is designed to embrace.

RULE III
COMPENSATION

SEC. 3.1 SALARY ANNIVERSARY DATES

Employees shall have a salary anniversary date of the first or sixteenth day of the month, whichever is closer to the date of his/her employment, promotion, reinstatement or reemployment.

SEC. 3.2 INCREASES WITHIN THE SALARY RANGE

- A. Normally, and as a general rule, classified employees may be considered eligible for an increase in salary according to the following general plan:
1. The numbers 1, 2, 3, 4, and 5 respectively denote the various steps in the pay range.
 2. Salary step "1" shall be paid upon initial employment and for a period of six months from the anniversary date.
 3. Salary step "2" will be paid upon completion of six months of employment in salary step "1" where the employee has demonstrated satisfactory job progress and normally increasing productivity and upon recommendation of the department head.
 4. Salary step "3" will be paid upon completion of one year of employment in salary step "2" where the employee has demonstrated satisfactory job progress and productivity and upon recommendation of the department head.
 5. Salary step "4" will be paid upon completion of one year of employment in salary step "3" where the employee has demonstrated job progress and productivity and upon recommendation of the department head.
 6. Salary step "5" is a merit step, and will be paid upon completion of one year employment in salary step "4" where the employee has convincingly demonstrated job progress and productivity and upon the recommendation of the department head, and approval of the Personnel Officer.
- B. An employee employed or reemployed at any step above the "1" step may advance to the next higher step in his/her range no sooner than one year from the anniversary date of his/her employment or reemployment.

- C. Thirty (30) days prior to each employee's salary anniversary date, the department head shall be advised in writing that the employee will be eligible for a salary increase, and for the "2" step and above, the department head shall advise the Personnel Officer in writing prior to the employee's anniversary date whether he/she recommends or does not recommend that the employee be advanced to the next higher step of the range. The Personnel Officer shall notify the Finance Department in writing of all anniversary increases and such notification shall constitute authorization for the Finance Department to make payment to the employee at a higher rate.

SEC. 3.3 **SALARY ON APPOINTMENT**

A. Superior Qualifications

New employees shall be appointed at the first step of the salary range to which their class is assigned except when it appears that the education and previous training or experience of a proposed employee are substantially superior to those required of the class and justify a beginning salary in excess of such minimum compensation, upon recommendation of the department head or appointing authority, the City Manager may authorize an appointment at a higher step. Such department head or appointing authority shall submit his/her recommendation to the Personnel Officer in such form, together with such information as the Personnel-officer may require.

B. Recruitment Step Advancement

Upon recommendation of the Department Head, initial employment at salary step "2" or "3" may be authorized by the City Manager when a particularly difficult recruiting problem for a class is found to exist. In such cases the incumbents in the affected class shall be advanced to the next higher step to the one they are then earning in the case of "2" step recruiting, or to the second higher step in the case of "3" step recruiting. New salary anniversary dates for said incumbent employees shall be established based on the date of the salary increase.

SEC. 3.4 **SALARY ON APPOINTMENT - LATERAL ENTRY**

Notwithstanding anything in these Rules to the contrary, upon recommendation of the Department Head and the approval of the City Manager, initial employment may be made at 1, 2, or 3 step upon a showing of good cause and when a part of a lateral entry program conducted by the city.

SEC. 3.5 **SALARY ON PROMOTION**

Except in instances where the granting of a full step increase would result in a salary in excess of the top step of the range, any employee who is promoted to a position in a class with a higher salary range shall be placed on the step in the new higher range which is at least equal to an advancement of a full step over the step he/she held in his/her former range in the basic salary schedule. If the maximum of the range would be exceeded by such advancement, the employee shall receive the top step of the range. An employee thus promoted is assigned to a new salary anniversary date effective on the date of promotion. An employee who, on his/her anniversary date is promoted to a class with a higher salary range shall first receive any within range increases to which he/she is entitled, and then the higher step as provided in this section.

SEC. 3.6 **SALARY ON REEMPLOYMENT**

An employee shall be placed at the same salary step or its equivalent that the employee occupied at time of layoff.

SEC. 3.7 **SALARY ON REINSTATEMENT**

- A. A reinstated employee shall receive not more than the step in the salary range he/she received prior to his/her separation and the anniversary date shall be extended for advancement purposes one month for each 30 calendar days between resignation and reinstatement.
- B. Reinstated employees who were granted an education incentive salary differential prior to termination shall be granted that same salary differential upon reinstatement.

SEC. 3.8 **SALARY ON TRANSFER**

Any employee who is transferred from one position to another position in the same class, or to another position in a class having the same salary range, shall be compensated at the same step in the salary range as he/she previously received and his/her salary anniversary date shall not change.

SEC. 3.9 **SALARY ON NON-DISCIPLINARY DEMOTION**

Any employee who is demoted to a position in a class with a lower salary range shall have his/her salary reduced to the salary step in the range for the lower class which is the same step he/she would have received in that lower class if his/her services had been continuous in said lower class; he/she shall retain his/her current anniversary date.

SEC. 3.10 SALARY ON CHANGE IN RANGE ASSIGNMENT

Whenever a class is reassigned to either a higher or lower salary range by the Council, the salary of each incumbent in such class on the date the reassignment is effective shall be adjusted to the step- salary position in the new range that corresponds to the step-salary position he/she was receiving in the former range and he/she shall retain the same salary anniversary date. When a salary range reassignment becomes effective on the same date as an employee's salary anniversary date, he/she shall first receive any within range increase to which he/she is entitled and then receive his/her corresponding step adjustment.

SEC. 3.20 SALARY ON REALLOCATION OF POSITION

- A. If the position is reallocated to a class having the same salary range, the salary and the anniversary date of the incumbent shall not change.
- B. If the position is reallocated to a class which has a higher salary range, then the salary of such employee as shall fill such position shall be governed by these rules. Salary on Promotion.
- C. If the position is reallocated to a class with a lower salary range, and the employee's salary exceeds the top step of the class to which his/her position is reallocated, his/her salary shall not change until it is exceeded by the top step of the class. The employee's anniversary date shall not change.

SEC. 3.12 SALARY ON DEMOTION

Any employee who is demoted to a position in a class with a lower salary range shall have his/her salary reduced to the salary step in the range for the lower class which is:

- A. If a disciplinary demotion, to any designated salary step in the lower salary range which is at least one step less than that received in the salary range for the class from which demoted. A new anniversary date shall be established on the basis of the demotion.
- B. If a non-disciplinary demotion, to that salary in the dollar amount he/she would have received in that lower class if his/her services had been continuous in said lower class, he/she shall retain his/her current anniversary date.

SEC. 3.13 **CALL-BACK COMPENSATION**

A. Police Call-Back

Sworn classified personnel and Lieutenants in the Police Department shall be paid at a time and one-half rate with a two- hour minimum for emergency call-back time, which falls within a normal off-duty period.

B. Fire Call-Back

Approved overtime for Fire Department employees entitled to it shall include only hours worked when employees are requested or required to return to work by their department from off duty, provided however, that such employees shall receive a minimum of three hours pay for hours worked of three hours or less.

C. Maintenance Call-Back

Whenever a Maintenance Department employee is required to return to work, he/she will be paid a minimum of two hours at time and one-half, and time and one half for time worked in excess of two hours. Whenever an employee is required to work on a call-back basis, the employee may elect to receive compensatory time at a time and one-half rate.

D. General Employee Call-Back

If an employee, other than a safety or Maintenance Department employee is required to return to work at the request of his/her department head while on regularly scheduled time off, the employee shall receive a minimum of two hours pay at the rate of time and one-half. Such employee shall be compensated at the applicable rate for all time worked in excess of two hours, including necessary travel time from the employee's home to the job site and return. The minimum provided for herein shall not be paid more than twice during any one calendar day.

SEC. 3.14 **COURT TIME PAY**

Time spent in court beyond the regularly scheduled shift will be paid at a time and one-half rate with a two-hour minimum guarantee.

SEC. 3.15 **STANDBY COMPENSATION**

A. Court Standby

1. For each occasion a sworn police employee is placed on standby by the courts, the City will pay the employee \$50, provided such standby occurs beyond the employee's regularly assigned shift. The \$50 payment will be the maximum paid to any sworn

police employee for all standby assignments in one day, except when additional pay-outs are authorized by the Chief of Police.

2. Community Service Officers, Cadets, Jailers, and Police Records Clerks, on call during off-duty hours shall be compensated at a rate of \$30 per day. Public Safety Dispatchers will be compensated at a rate of \$35 per day. (Resolution # 7990.5 - 1/87, Resolution # 8147 - 1/88, and Resolution # 8453 - 1/90)

B. Standby -Maintenance (Non-Clerical and Non-Management)

1. Maintenance Department employees required to serve on standby will be compensated either eight hours earnings at straight time or four hours compensatory time off. A listing of names and dates of employees placed on standby will be provided.
The City will attempt to solicit volunteers first and will place on standby only those employees who reside 15 or fewer miles from the West Covina city limits. Standby will be rotated uniformly among the appropriate department employees.
2. Holiday Week - When an employee is required to serve on standby during a holiday week, the employee shall receive twelve hours pay at straight time or twelve hours of compensatory time off.
3. Thanksgiving Holiday Week - When an employee is required to serve on standby during the Thanksgiving Holiday Week, the employee shall receive sixteen hours pay at straight time or twelve hours of compensatory time off.

SEC. 3.16 **ACTING PAY**

- A. Employees in the General, Public Safety Dispatchers, and Police Associations serving in an acting status shall receive a full step increase in compensation payable from the 31st calendar day of such appointment until the completion of the appointment, provided such acting appointments are made in writing by the appointing authority with a copy to the Personnel Office.
- B. Employees in the Maintenance Department who are not clerical or management will be paid acting pay after the completion of twenty-two (22) non-consecutive work days or the equivalent thereof in an "acting" status. Once an employee has received acting pay in a specific assignment class, such employee shall receive acting pay for any additional time worked in said assignment. Notwithstanding the above, continuous service employees who have been paid acting pay within the eighteen (18) month period beginning on July 1, 1981, and ending on December 31, 1982, shall be eligible for acting pay beginning with the first day worked in the class for which acting pay was received.

SEC. 3.21 **MONTHLY SALARY**

Monthly salary rates are based on a 40-hour work week and no authorization may be made for an employee to work less than said work week without a directly proportionate decrease in compensation.

Monthly salary rates for Police shift personnel are based on a 37 1/2 hour work week (36/48 hour work week for Jailers), with the condition that at the end of each month the employee will owe the City 10 hours (Jailers will owe the City 4 hours), to be reconciled in the following manner and order:

1. Reduction of straight time pay (training compensation).
2. Reduction in court-on-call pay at the rate of 2 hours per each on-call status.
3. Reduction in time and one half pay.
4. If the employee is unable to reconcile the 10 hours (4 hours) as stated above, and the employee has 4 or more hours that remain to be reconciled, he/she may work an additional day to reconcile the time.
5. If an employee does not want to work an additional day or has less than 4 hours to reconcile at the end of the month he/she may use vacation or compensatory time.

SEC. 3.22 **DEDUCTIONS FOR MAINTENANCE**

- A. Where allowances are provided in addition to cash salary payments, such as full or part maintenance, consisting of meals, lodging or living quarters, laundry or other provisions for the employee, or the employee and his/her family, such compensation in kind shall be reported and deducted from the cash payable on the departmental payrolls, to the extent of the value of the allowance as established by the Resolution of the council.
- B. Officers or employees required to live in City quarters as a condition of employment and solely for the convenience of the City, shall be designated by Resolution of the Council and furnished such maintenance as shall be specified therein for which no deductions shall be made.

SEC. 3.23 **PERS MEMBER'S CONTRIBUTION**

There shall be added to the base compensation payable to each employee an amount which shall be equal to 7% of the salary amount reportable to the Public Employees Retirement System. Such 7% shall constitute the entire or partial member's contribution required to be made under

the system. The amount of additional compensation payable pursuant to this section shall constitute deferred compensation and the city shall pay the amount so deferred to the Public Employees Retirement System for the account of the employee entitled thereto as required by Section 20683 of the Government Code. Effective July 1, 1988, the city PERS contribution, on behalf of sworn Police employees, shall be increased from 7% to 9%. (Resolution#8146 - 1/88) Effective July 1, 1989, the City PERS contribution on behalf of sworn Fire employees, shall be increased from 7% to 9% (Resolution#8287 - 1/89).

SEC. 3.30 **SPECIAL SALARY ADJUSTMENTS**

Notwithstanding anything in these Rules to the contrary, in order to correct gross inequities, or to reward outstanding achievement and performance that the City Council may find justified, the Council may by a four-fifths vote, upon recommendation of the department head or appointing authority and the Personnel Officer, adjust the salary rate of an incumbent of a particular position to any step within the salary range for the class to which the position is allocated.

RULE IV

APPLICATIONS, RECRUITMENT, AND EXAMINING

SEC. 4.1 CONDITIONS OF EMPLOYMENT

- A. The City shall have the right to require all applicants to complete and submit any applications, agreements, or statements pertinent to their employment, as stipulated by decision of the City council.
- B. All applicants for positions in the classified service shall be subject to an appraisal of their qualifications as provided in the Personnel Rules.
- C. Basic Requirements of Applicants
 - 1. No requirements as to residence in the City shall be made for any candidate at the time of his/her application, notwithstanding the fact that residence within the City or adjacent area may, at the discretion of the Council, be required of a regular employee.
 - 2. The Personnel Officer may require applicants to furnish such evidence of good character, temperate habits, sound health and physical ability to perform successfully the duties of the position applied for as he/she may deem necessary.
 - 3. Candidates for employment in the Police series:
 - a. Shall be of sound physical condition, possessing strength, endurance and agility demonstrable in tests of physical performance and medical examination.
 - b. Shall be of good mentality and emotional maturity, possessing traits including: initiative, alertness; integrity, reliability, courtesy, honesty, and good judgment.
 - c. Shall be in good health and free from chronic disease, impairment of bodily function, loss or impairment of use of any digit, history of psychosis or psychoneurosis, or other disabling defects.
 - d. Shall meet such other physical requirements as may be specified in the class specifications for the class for which the examination is held.

D. Ability to Perform Duties

General - The city may require that all applicants and employees be in a physical and mental condition which would allow him/her to perform duties of their position in a manner which would not endanger himself/herself or other employees and be subject to examination when, in the judgment of the Personnel Officer, such examinations are appropriate.

E. Loyalty Oath

Employees are required to sign a loyalty oath as prescribed by law.

SEC.4.2 **REQUEST TO FILL VACANCIES**

When a position is to be filled, the appointing authority shall notify the Personnel Officer and make written request to fill the vacancy on the prescribed forms and providing such information as is required. The Personnel Officer shall advise the appointing power as to the availability of persons for employment in the position.

SEC.4.3 **ANNOUNCEMENT AND APPLICATIONS**

- A. The Personnel Officer shall prepare an official bulletin announcing any proposed examination. Suitable and effective methods of distributing information relative to job openings and securing the most qualified candidates available for competition shall be practiced. The examination bulletin shall contain all information of importance in the consideration of potential applicants.
- B. Official application forms shall be available in the office of the Personnel Officer and at such other places as will facilitate effective recruiting. Any person who requests an application form shall be given one.

SEC.4.4 **DISQUALIFICATION OF APPLICANTS BY PERSONNEL OFFICER**

- A. The Personnel Officer may disqualify any applicant either before or after examination for any of the following causes:
 - 1. That he/she is substantially lacking in any of the qualifications or requirements set forth in the Personnel Ordinance, the Classification and Salary Resolution, the official class specifications for the class in which exists the position for which he/she is applying, or in the Personnel Rules.
 - 2. That he/she is physically unfit for the performance of the duties of the position to which he/she seeks employment.

3. That he/she has been adjudged guilty of any violation of the penal statute or of infamous or disgraceful conduct. The Personnel Officer may disregard the conviction if he/she find and determines that mitigating circumstances exist, such as, but not limited to, evidence of rehabilitation, length of time elapsed since conviction, or the fact that the classification applied for is unrelated to such conviction.
4. That he/she has made any false statement or omission of any significant material fact, or practices or attempted to practice any deception or fraud in his/her application, examination, or appointment.
5. That he/she is addicted to the use of intoxicating liquors or to the use of narcotics, drugs, or other substances.
6. That he/she has been dismissed for inefficiency, delinquency, or misconduct.
7. For any material cause which, in the judgment of the Personnel Officer, would render the applicant unfit for the particular position for which the application is filed, including a prior resignation from the City service accepted with prejudice.

B. Notice of Rejection

Whenever an application is rejected, notice of such rejection shall be mailed to the applicant by the Personnel Officer, who shall, upon applicant's written request, state the reasons for such rejection.

C. Incomplete or Defective Applications

Incomplete or defective applications may be corrected, provided the time limit for receiving applications has not expired at the time the application is corrected by the applicant.

SEC. 4.5 **EXAMINATIONS**

A. Responsibility to Examine

1. The Personnel Officer is responsible for the conduct of examinations for classes of positions within the City's service.
2. The Personnel Commission shall review the examining programs as provided in the Personnel Ordinance. The City Council may, upon recommendation by the Personnel Officer and Personnel Commission, contract with any responsible personnel agency for the performance by the agency of such technical examining services as may be desired.

B. Need for Examinations

The Personnel Officer shall determine when examinations are necessary. If there is a vacancy or one is anticipated, procedures governing an examination will be conducted as soon as practicable to establish or supplement an employment list.

C. Subject and Methods of Examinations

The examination content shall be determined or approved by the Personnel Officer, and at his/her discretion, the method of examining applicants may involve:

1. Any evaluation of education, experience, or skills or tests which fairly evaluates the relative capacities of the applicants.
2. Physical
 - a. A physical, medical, and/or psychological test may be made a part of any examination. When such tests are required, they shall be made at the city's expense, by a duly licensed physical or professional psychologist.
 - b. Promotion to each class above the Firefighter and Police Officer level within the Fire and Police services shall require that the candidate have qualified in a medical examination within two years prior to the date of appointment.
3. Background Investigation. A background investigation may be made a part of any examination. It shall be conducted at the City's expense.
4. Qualifications Appraisal Board. In examinations where appropriate, the education, experience, qualifications and other pertinent information about the candidates may be evaluated by a Qualifications Appraisal Board consisting of at least two Board members, and all members shall, during their review, be cognizant of the criterion to be consistently applied to the review of every application. If possible, at least one of the members shall be technically familiar with the character of the work in the position for which the applications will be examined. The weight to be given the evaluation of the above shall be determined by the Personnel Officer.
5. Polygraph Test. Police candidates must qualify in a polygraph before the appointment becomes final.
6. Fingerprints. No person shall be granted an appointment of any category in the service of the City who has not placed a copy of his/her fingerprints on file with the Police Department. The Chief of Police shall provide reports concerning the outcome of all such fingerprints clearances to the Personnel Officer.

D. Open and Promotional Examinations

1. Examinations may be specified by the Personnel Officer as promotional only, as open only, or as both open and promotional. It shall be the policy of the Personnel Officer and the Personnel Commission to encourage the general practice of promotion within the City service wherever in their view a sufficient number of fully qualified candidates are available and such policy will contribute to a sound and efficiently operating City organization.
2. All examinations which are to be held on either promotional only or on both open and promotional basis, shall be so designated on the examination bulletin.
3. Employees shall be entitled to compete on a promotional basis in the promotional examination provided that they meet the requirements of the class for which the examination is to be held.

E. Conduct of Examinations

1. The Personnel Officer shall determine or approve the manner and methods of preparation of examinations, and by whom they are to be administered. The identity of persons taking written examinations shall not be disclosed until after the examination papers of all applicants are marked and a passing score established.
2. Test Review by Candidates
 - a. Inspection keys will not be provided for form, standardized, or copyrighted tests, or essay, or problem tests not subject to scoring by an absolute standard.
 - b. For a period of five working days immediately following the date of an examination, candidates may inspect a keyed copy of the written examination; and submit written protests to the Personnel Officer on any items or parts of an examination.
 - c. Key inspection shall be at such time and place and under such conditions of supervision as the Personnel Officer shall require. Candidates will not be permitted to copy examination items except to take notes on the one or several under question.
 - d. Within ten calendar days of the examination date, a candidate may submit a written protest or objection to any item(s) in the examination. Protests should cite authorities or references, in support and/or reason for challenge to item in sufficient detail to enable the Personnel Officer to understand the objection and to complete any research which is necessary to evaluate the soundness of the protest. Protests based purely on personal opinion without cited authority may not be entertained by the Personnel Officer.

- e. Upon the receipt of test or item protests, the Personnel Officer shall review the basis for the protests, consulting with subject authorities as appropriate, and make a determination that the item(s) shall stand as keyed, be eliminated from the test, or that the key be modified and test shall be scored or rescored accordingly. In any case, the protestant shall be notified of the Personnel Officer's decision.
- 3. Normally, scoring of tests will not be completed pending disposition of protests. As the needs of the service may require to fill vacancies from employment lists, tests may be scored and other parts of the examination, certification and appointment process completed prior to receipt of or answer to protests. Appointments so made are not subject to legal deficiency even should subsequent test rescoring alter the rank order of the employment lists.

4. Veteran's Preference

Honorable discharged veterans of the Armed Forces of the United States, will be given a veteran's preference of five per centum, or five points, which shall be added to the earned total passing examination score in examinations for entrance level positions into the classified service. No veteran's preference points shall be credited to any veteran's scores on any promotional examination. The words "Armed Forces of the United States" apply only to the actual Armed Forces of the United States and to members of the National Guard and State Militia only while called into and on active duty as part of the Armed Forces of the United States. A person must have completed his/her required military duty and have in his/her possession an Honorable discharge to obtain the Veteran's Preference. No applicant will be displaced as a result of another receiving Veteran's preference.

5. Review of Test Scores

- a. Within ten (10) days after the date of notification of test scores, candidates may review their answers against the examination key. The purpose of this review is to assure that papers have been correctly scored according to the official key.

- b. Protests to the accuracy of scoring may be submitted to the Personnel Officer, and such corrective measures as appropriate may be taken.
 - c. Protests to the substance or key of items shall not be entertained as a result of this inspection period.
 - d. Candidates may review answer sheets for form, standardized, or copyrighted tests if the answer sheet is separate from the test questions. This review is related to verification of scoring.
6. Notice of Examination Results. Each candidate who participates in an examination shall be sent written notice of the results of such examination, and if successful, of his/her final earned certification category on the employment list.

F. Rating

Sound measurement techniques and procedures shall be used in rating the results of tests and in determining the relative ranking of the candidates. At the discretion of the Personnel Officer, failure on any part of an entire examination, may be grounds for declaring that the applicant has failed the entire examination, or that he/she is disqualified for subsequent parts of the examination. The Personnel Officer may also designate any part of an examination as qualifying only, and no numerical weight need be assigned to passing scores in said part.

G. Appeals to Personnel Commission

1. The Personnel Commission shall consider appeals from final ratings in any examination only after such appeals are heard by the Personnel Officer and denied, where candidates allege noncompliance with Personnel Rules.
2. Appeals must be in writing and include information considered by the Personnel Officer. Upon receipt of such appeals the Personnel Commission shall conduct such hearings and investigations as it deems necessary and if it finds the allegations of the appellant to be matters of fact, it shall recommend corrective action to the City Manager.

RULE V
ELIGIBILITY LISTS

SEC. 5.1 TYPE OF LISTS

- A. Promotional Only
- B. Open and Promotional
- C. Open Competitive Only

SEC. 5.2 ELIGIBILITY CATEGORIES

- A. Upon scoring of all examination components, the names of applicants will be placed in eligibility categories according to composite performance on weighted selection procedures. The categories include:
 - 1. Highly Qualified - Highest 30 percent of passing scores.
 - 2. Well Qualified - Second highest 30 percent of passing scores.
 - 3. Qualified - Lowest 40 percent of passing scores.
- B. If the examination was given on both a promotional and open competitive basis, two lists shall be formed. In case of tied scores, both applicants shall receive similar treatment which shall include certification at the same time, notwithstanding that such action may require an exception to any of these rules pertaining to numbers of persons certified.

SEC. 5.3 DURATION OF LISTS

- A. Eligibility lists shall become effective upon the Personnel Officer's certification that the lists were prepared and represent the relative evaluations of the applicants whose names appear on them.
- B. If a background investigation is required, applicants shall be referred to the Police Department according to relative performance and certified to the Eligibility List by the Personnel Officer upon successful completion of the background investigation.
- C. The review of the eligibility lists shall be included in the minutes of the Personnel Commission.

- D. Eligibility lists shall be effective for a period of one year from the date of their establishment, provided that the Personnel Officer may extend the period not to exceed twelve (12) months. The Personnel Officer may abolish for cause an eligibility list at any time before the expiration date of the one year period and request a new examination and preparation of a new eligibility list for any class of position.

SEC. 5.4 **COMBINATION OF LISTS**

The Commission may, upon request of the Personnel Officer, combine successive eligibility lists when insufficient names make such combinations desirable. Names on eligibility lists for the same class of position shall be placed according to their relative evaluation on any merged eligibility list. The names shall be removed one year after initial certification.

SEC. 5.5 **REMOVAL OF NAMES FROM ELIGIBILITY LISTS**

The Personnel Officer may remove the name of any eligible applicant from an eligibility list:

- A. On evidence that the eligible applicant cannot be located by postal authorities. Failure to reply within five (5) working days to a letter requesting information as to availability for appointment, or failure to notify the Personnel Officer of any change of address resulting in the return of letters without forwarding by the U.S. Post Office, will be considered grounds for removal. With such evidence, on submission of a request, therefore, giving acceptable reasons as to why the notice was not returned or change of address not filed, the Personnel Officer may restore the name of an eligible candidate to the eligibility list.
- B. Upon receipt of a written statement from the eligible applicant declining appointment and stating that he/she wished his/her name to be removed from the employment list.
- C. If two offers of regular full-time employment in the class for which the eligibility list was established have been declined by the eligible applicant.
- D. Upon request of the appointing authority after a determination has been made by the Personnel Officer that the candidate does not meet job related standards.

SEC. 5.6 **ELIGIBILITY LIST PRIORITY**

Priority for consideration for employment shall be given to the various eligibility lists in the following order: Reemployment Lists, Promotional Lists, and Open Competitive Lists.

- A. The reemployment list for any position shall consist of the names of regular employees who have been laid off for lack of work or lack of funds from a position in the same class or an equivalent class to that in which the vacancy exists. Such names shall be placed on the reemployment lists in reverse order of layoff. Employees whose positions have been reallocated to a lower class, but who have not been demoted for cause shall also have their names placed on the reemployment list for the class from which their position was reallocated.
- B. Promotional lists shall consist of the names of regular employees who have been successful in a promotional examination for a higher class than that which they presently occupy. Probationary employees who compete in a promotional exam process will be certified after completion of initial probationary processes.
- C. Open competitive lists shall consist of the names of persons not employed by the City who have been successful in an examination or of employees of the City who have passed the examination, but have not yet attained regular status; or in the case where an examination has been designated as open competitive, only the names of all passing candidates whether regular employees, non-regular employees, or persons not employed by the City, shall be placed on the list in order of their scores.
- D. Promotional lists and open competitive lists shall be created as a result of examination as provided in these rules. The names of probationary employees who are laid off for lack of work or lack of funds may be restored to the same eligibility list from which the original appointment was made and in the same rank or category as when the original appointment was made if it is so requested by the appointing authority.

SEC. 5.7 **CERTIFICATION FROM ELIGIBILITY LISTS**

Appointments shall be made from certified eligibility lists in accordance with the following provisions:

- A. If a reemployment list exists for the class, the highest seven names on such list shall be certified for each vacancy to be filled. If fewer than seven names are on such list, then such number as are on the reemployment list shall be certified.
- B. If no reemployment list exists for a class, the Personnel Officer shall certify to the appointing power from the promotional list the highest band of names for each vacancy. If there are fewer than seven names in the Highly Qualified, the Highly Qualified and Well Qualified bands will be certified. If there are fewer than seven names in the Highly Qualified and Well Qualified bands, the

entire list will be certified. If there are less than seven qualified names on the list, the appointing power may request additional names to be certified from the open competitive list if such list exists.

- C. If no reemployment list or promotional list exists, the Personnel Officer shall certify to the appointing power from the open competitive list, the highest qualified band. If there are fewer than ten names in the Highly Qualified category, the Highly Qualified and Well Qualified bands will be certified. If there are fewer than ten names in the Highly Qualified and Well Qualified bands, the entire list will be certified.
- D. When all eligibility lists for a class contain a total of fewer than the number of vacant positions plus two, the appointing power may, at its discretion, make provisional appointments until additional names are secured through another examination.

SEC. 5.8 **AVAILABILITY OF ELIGIBLES**

It shall be the responsibility of eligible applicants to notify the Personnel Officer in writing of any change of address or other change affecting availability for appointment.

RULE VI

APPOINTMENTS - PROMOTIONAL/ACTING/ REINSTATEMENT/LIMITED SERVICE

SEC. 6.1 APPOINTMENT OF NEW EMPLOYEES

The hire date of a new employee shall be that of the first day actually worked.

SEC. 6.2 PROVISIONAL APPOINTMENTS

1. It shall be the policy of the City to require all department heads and other appointing authorities, whenever possible, to notify the Personnel Officer of impending or anticipated vacancies in their departments sufficient in advance so as to allow for the establishment of an appropriate open competitive or promotional eligibility list. However, when the demands of the services are such that it is not practicable to give such notification and when no eligibility list or appropriate combination of lists with seven or more names is available, and if it is not practicable to delay appointment until a new employment list can be certified, the appointing authority may make a provisional appointment to the position. As soon as practicable, but not longer than six (6) months after a provisional appointment has been made, the Personnel Officer shall cause an examination to be prepared, and all positions filled provisionally shall be filled by an appointment from an employment list.
2. In the absence of appropriate employment lists, a provisional appointment may be made by the appointing power of a person meeting the qualifications for employment for the position. An employment list shall be established within six months for any regular position filled by provisional appointment. No person shall be employed by the City under provisional appointment for a total of more than six (6) months in any fiscal year except that the City Manager may with approval of four-fifths of the Council, extend the period of any provisional appointment for not more than ninety days by any one action and shall exceed a total of twelve months.
3. A person appointed to a regular position on a provisional basis shall be entitled to credit for the time served under the provisional appointment toward the completion of his/her probationary period and shall be entitled to the same salary and other benefits as an employee appointed from an eligible list except that he/she may not be employed under the provisional appointment for longer than the period authorized herein.

4. No special credit shall be allowed in any examination or the establishment of any employment or promotional lists for services rendered under a provisional appointment.

SEC. 6.3 **ACTING APPOINTMENTS TO A HIGHER CLASS**

An acting appointment may be made to a higher class or position occupied by a person on temporary leave or disability, such acting appointment shall not exceed 12 months. Acting appointments shall be made from existing promotional lists. Should no promotional eligibility list exist, acting appointments shall be made in accordance with the provisional appointments section of the Personnel Rules. Upon the return of the incumbent from leave or disability, the acting appointment shall be immediately terminated, and the appointee shall resume regular duties, compensation and privileges as if he/she had continued his/her duties in his/her regular classification.

SEC. 6.4 **REINSTATEMENT**

The appointing authority may, with the approval of the Personnel Officer, reinstate any person who has resigned in good standing, provided that such reinstatement is accomplished within one (1) year of the date of resignation. Such reinstatement action may, at the discretion of the appointing authority, take precedence over any eligibility list except a reemployment list. Any person so reinstated shall be subject to a new probationary period of the same length as established for new appointees to a position in the class. Reinstated Police Officers shall be subject to a probationary period of twelve (12) months.

Any employee who accepts a voluntary demotion from a class in which he/she had regular status may be reinstated to the class from which he/she was demoted, provided such reinstatement is accomplished within one (1) year of the date of demotion. Such reinstatement action may, at the discretion of the appointing authority, take precedence over any eligibility list except a reemployment list. Any person reinstated shall be subject to a new probationary period of the same length as established for new appointees to a position in the class.

SEC. 6.5 **LIMITED SERVICE APPOINTMENT**

A daily work schedule of less than the number of hours of full-time employment, or a monthly work schedule of less than the number of days of full-time employment, or a yearly work schedule of less than the number of months of full-time employment shall be considered limited service employment. The number of hours, days, or months of service bears to the number of hours, days, or months of service required in full-time employment in each class or position, except for those positions specified in the List of Authorized Positions and Salary Ranges for which the City Council has established a special or flat rate of pay, is to be considered as full remuneration for all service if rendered regardless of the number of hours worked.

SEC. 6.6 **TRANSFER**

A. Approval of the Personnel Officer

With the approval of the Personnel Officer, an employee may be transferred by the appointing authority from one position to another position in the same class or a comparable class at the same salary level. If such transfer involves a change from the jurisdiction of one appointing authority to that of another, both must consent thereto before the action shall be considered effective, except if the City Manager shall order the transfer, such consent shall not be required.

B. Notification

Whenever possible an employee being considered for transfer shall be notified within a reasonable period in advance of the effective date of such contemplated transfer and his/her wishes with respect to this action shall be taken into account to whatever extent practicable, consistent with the interest of efficient operations of the departments concerned.

SEC. 6.7 **NEPOTISM**

A. Inconsistent Relationships

The City of West Covina retains the right:

1. To refuse to place one party to a relationship under the direct supervision of the other party to a relationship where such has the potential for creating adverse impact on supervision, safety, security, or morale.
2. To refuse to place both parties to a relationship in the same department, division, or facility where such has the potential for creating adverse impact on supervision, safety, security, or morale, or involves potential conflicts of interest.
3. To maintain or adopt bona fide health plans which provide additional or greater benefits to employees with dependents than to those employees without or with fewer dependents. Where such a bona fide health plan discriminates against individuals on the basis of marital status, benefits shall not be conditioned upon whether an employee is "head of household," "principal wage earner," "secondary wage earner," or other similar status.

B. Creation of Relationship - Current Employees

Upon the marriage or other creation of relationships due to marriage or adoption of two city employees, the Personnel Officer shall be notified in writing by the employees involved and the

department head (s). Notification of new or impending relationships shall include the anticipated effect of relationship and recommendation as to possible action to be taken in assuring continued efficient departmental operation (s). The Personnel Officer and/or designated representative shall be responsible to consult with the department head (s) and/or specific employees in reaching a recommendation in accordance with previously stated guidelines and the following suggested options. The City Manager shall be the final determining authority in such matters.

1. Definition - For the purpose of this rule, the definition of "relative" or "relationship" shall include persons related in the following contexts by blood or marriage or adoption, including step and half relationships: child, sibling, parent, grandparent, grandchild, in-laws.
2. The employment relationship is acceptable if no adverse impact is anticipated; related employees are not in a supervisory relationship or in direct contact in the same or related departments; the relationship will in no way detrimentally affect departmental operations.
3. Transferring one relative to an unrelated department may be approved where problems occur or are anticipated.
4. Adjustment of shifts may be approved if it is believed the relationship will interfere with the work environment.
5. Termination of one of the related employees may be recommended if the department head (s) find the problems involved in the employment relationship are irresolvable.
6. A relationship created between a full-time employee and a department head, the City Manager, or an elected official, will be evaluated on the same basis as the creation of a relationship between classified City employees.

C. Effect on Current Employees

Relatives currently employed by the City on the date of the passage of this rule shall not be affected by the provisions of this rule except:

1. If continued employment in specific area has or is proven to be detrimental to departmental or City operations, in which case the provisions of 21.5 shall apply.
2. In the case of a potential promotion or transfer of related employees, should such action prove detrimental to departmental or City operations, all provisions of this rule shall apply.

D. Full-Time Employment

1. No person shall be hired in a full-time position who is related to the City Manager/Personnel Officer or a member of the City Council.
2. No person shall be hired in a full-time position who is related to any department head, or to any elected official other than City Council members. In cases where no conflict is evident, the City Manager shall have the authority to approve exceptions to this subparagraph 2.
3. No person shall be hired in a full-time position in a department where a relative is employed or in a department which is closely related Police, Fire, Communications to a department in which a relative is employed.
4. When the positions involved are sufficiently unrelated so as not to cause, require or readily permit a supervisory relationship, direct or indirect contact, or otherwise in any way detrimentally affect department or City operations, the City Manager upon recommendation of the department head may authorize an exemption from paragraph 3.

E. Part-Time Employment

No person shall be hired in a part-time position, in a department, who is related to the department's director.

RULE VII

PROBATION

SEC.7.1 PROBATIONARY STATUS

- A. Any persons, other than those specified as unclassified, holding positions of employment in the classified service shall be regarded as holding their positions or employments as probationers who are serving out the balance of their probationary periods before obtaining regular status.
- B. During the probationary period the employee may be rejected at any time without right of appeal or hearing.

SEC. 7.2 PROBATIONARY PERIODS

- A. The probationary period shall not include time served under a temporary appointment, but shall include time served as a provisional employee. Periods of time on leaves longer than 30 days require that the probationary period be extended a period of time equal to the amount of time spent on leave.
- B. Length of Probationary Period
 - 1. With the exception of police officers, all original and promotional appointments shall be for a probationary period of one (1) year. All original and promotional appointments to the position of police officer, excepting lateral entry appointments, shall be for a probationary period of eighteen (18) months. Lateral entry and reinstated police officers shall serve a probationary period of one (1) year.
 - 2. Probationary Period-Transfers

Whenever a transfer is made, at the initial request of the employee, the transfer shall be subject to the employee satisfactorily completing a six month probation period in the new position or completing the original probationary period provided that there are six months left in the period.
 - 3. Extension of Probationary Period

At the discretion of the appointing authority, any employee serving a probationary period may at the conclusion of such period have his/her probationary period extended for an additional six months, but for no longer. The appointing authority shall notify the Personnel Officer of such contemplated extension of the probationary period.

SEC. 7.3 **REGULAR STATUS**

- A. An employee's status shall be considered regular upon completion of the probationary period only if the appointing authority reports to the Personnel Officer that the services of the employee have been satisfactory and that the employee is recommended for regular status.
- B. If recommendation is made for rejection of the probationer by the appointing authority, he/she shall furnish a written report to the Personnel Officer indicating the individual did not meet conditions of probation.

SEC. 7.4 **REJECTION DURING PROBATIONARY PERIOD
OF PROMOTED EMPLOYEES**

- A. An employee rejected during the probationary period from a position to which he has been promoted shall be reinstated to the position from which he/she was promoted, unless he/she is discharged for a reason, as provided in this division and the rules, which would have been sufficient to cause his/her discharge from his/her former position as well. In such case, the employee shall be entitled to appeal his/her dismissal as provided in these Rules.
- B. Employees promoted to a higher class while on probation in a lower class and who subsequently fail to perform satisfactorily in the promoted position will be entitled to return to their former position provided the position has not been eliminated.

RULE VIII

PERFORMANCE REPORTS

SEC. 8.1 POLICY

It is the policy of the City that regular reports be made as to the efficiency, competency, conduct and merit of its employees. To this end, it is the responsibility of the City Manager, the department heads and their subordinate supervisors that these ratings be made. It is the responsibility of the Personnel Officer to provide and prescribe the forms and procedures to be used in such reports of performance and to assist in the training of supervisory personnel so that the program of performance reporting will be carried on in a sound and effective manner.

SEC. 8.2 AUTHORITY TO MAKE REPORTS

The appointing authority shall have the authority to prepare reports of performance. He/she may, however, delegate said authority to such subordinate supervisory employees as are most familiar with work of the employees to be reported on, provided that he/she shall review and approve all performance reports of personnel under his/her jurisdiction.

SEC. 8.3 TIME FOR REPORTING

A. Probationary Employees

Within ten (10) days prior to the completion of every three (3) months during the probationary period, the department head shall furnish the Personnel Officer with a report as to the progress and capacity of the probationary employee, a copy of which shall also be furnished to the probationer.

B. Regular Employees

A report for a regular employee shall be prepared and received within thirty (30) days after his/her anniversary dates, provided that the employee may in addition be given a report of performance at any other time during the year upon his/her request or at the discretion of the appointing authority, and provided further that any employee who has been rated "improvement needed" or "unsatisfactory" shall be reported on again three (3) months from receiving such rating and again three (3) months subsequent to that.

SEC. 8.4 **REVIEW WITH EMPLOYEE**

It is acknowledged that one of the prime benefits of a sound performance rating system is that it can bring together the employee and his/her supervisor in a frank and constructive discussion and appraisal of the employee's work and the specific ways in which it may be improved. Therefore, each performance report shall be thoroughly discussed with the employee with this view in mind. The employee shall sign the report to acknowledge its contents. Such signature shall not necessarily mean the employee endorses the content of the report.

SEC. 8.5 **DISTRIBUTION OF REPORTS**

Reports shall be prepared in three (3) copies. After review and approval of the appointing authority, one (1) copy shall be retained by him/her for his/her files, one (1) copy provided to the employee, and one (1) copy shall be transmitted to the Personnel Officer. The Personnel Department copy shall be made a part of the employee's employment history.

SEC. 8.6 **PERFORMANCE RATINGS**

A. Effects of "Improvement Needed" and "Unsatisfactory" Ratings

1. Any employee who receives an "unsatisfactory" or "improvement needed" rating will not be eligible to be appointed off of any promotional list until a satisfactory rating is established.
2. Any employee who receives an "unsatisfactory" or "improvement needed" rating will not receive any 5th step merit salary increase during the period following the report in which the "unsatisfactory" or "improvement needed" rating is effective. If an employee receives one "improvement needed" rating and subsequently is granted a merit or length of service salary increase, due to a satisfactory rating within the year following his/her "improvement needed" or "unsatisfactory" rating, such increase shall be withdrawn if his/her next report of performance contains a rating of "improvement needed" or "unsatisfactory." Nothing herein shall prohibit an appointing authority from removing the "5" merit step when performance no longer qualified an employee for it.
3. In any case, where an employee is rated "unsatisfactory" on two (2) consecutive occasions or "improvement needed" on three (3) consecutive occasions, further disciplinary action shall be taken by the appointing authority as provided for in these rules, if such action has not already been taken.
4. If an employee who has been denied a merit salary increase improves his/her performance to such extent that the

appointing authority believes it is justified, he/she shall indicate the improvement on the report of performance form and may specifically recommend the restoration of any merit increment withheld and or merit increase anniversary date changed under the provisions of this rule.

B. Protest of Ratings

In any case of protest to an overall rating in a report of performance, the provisions of Rule XV shall apply provided, however, that the decision of the City Manager shall be final.

RULE IX

HOURS OF WORK/OVERTIME/COMPENSATORY TIME

SEC. 9.1 POLICY

It is the policy of the City that the hours of work, as negotiated by unit or determined by the City Council for non-represented employees, shall constitute a week's work for all full-time employees, except that work days and work weeks of a different number of hours may be established in order to meet the varying needs of the different City departments.

SEC. 9.2 WORK PERIODS

The work period for non-safety employees and certain designated safety employees shall be 7 consecutive 24-hour periods. Forty hours are normally worked during this period. The work period for fire suppression employees shall be 27 consecutive 24-hour periods during which 216 hours are normally worked.

SEC. 9.3 DAILY HOURS OF WORK

Daily hours of work or shifts for employees within departments shall be assigned by department heads as required to meet the operational requirements of said departments. The normal work shift for non-public safety employees and certain designated safety employees may be eight hours per day, nine hours per day, ten hours per day, twelve hours per day, or twelve and one-half hours per day as determined by the department. Fire suppression employees have a work shift of 24 hours.

SEC. 9.4 CHANGE IN WORKING HOURS

Any foreseeable absence or deviation from regular working hours desired by an employee shall, in advance, be cleared through the office of the Personnel Officer, and such absence shall be noted on the employee's time sheet.

SEC. 9.5 HOLD-OVER - COMMUNICATIONS

When conditions necessitate, employees in the Communications Department and sworn employees in the Police Department shall be required on a mandatory basis to hold over past the end of their normal shifts and or to be called back to work during their off-duty

time. Such action shall be taken during emergency situations as determined by the department head, including when staffing drops below department set minimum levels.

Approved overtime for Fire Department employees entitled to it also shall include time worked in excess of 15 minutes as an extension of a regular scheduled shift, to be compensated on the basis of 15 minute increments.

SEC. 9.6 **FIRE SUPPRESSION**

- A. In the Fire Department, employees classified as Firefighter, Fire Engineer, Fire Captain, and Fire Battalion Chief, will normally serve on the 3-platoon system; each platoon is required to work 121.75 regularly scheduled shifts per year, and every shift is composed of 24 hours.
- B. Each Fire Department employee in these classes normally works a stated total of 2922 hours per year (56.19 hours per week).
- C. For purposes of equating vacations, holidays, sick leave, and similar benefits related to stated working time, it is the policy of the City that the ratio between general City employees and Fire platoon employees shall be determined by using a 1 to 1.5 factor; provided, however, that the base hourly rate for overtime purposes shall be computed by multiplying the monthly base salary by twelve and dividing said product by 2922.

SEC. 9.20 **OVERTIME**

It is the policy of the City of West Covina to avoid the necessity for overtime work whenever possible. However, when overtime is necessary and approved by the department head, payment will be at time and one-half for all hours worked in excess of the normal daily work shift. Vacation, sick leave, holidays, jury duty and compensating time off shall be considered hours worked.

For employees covered by the 7(b) or 7(k) exception to the Fair Labor Standards Act on the 3/12 or 3/12-1/2 work schedule, work performed in excess of the normal daily work shift will be paid at the straight time rate of pay, until the employee has reconciled the hours owed to the city. Once the employee has reconciled the hours owed to the City, the remaining overtime work is paid at time and one-half.

A. Overtime Authorization

- 1. If in the judgment of the department head, work beyond the established work week is required by his/her employees, such work, except in the case of immediate emergency, shall be performed only with the prior authorization of the Division Manager.

2. In emergencies, where prior authorization cannot be issued, the department head shall obtain approval for the overtime worked at the earliest opportunity thereafter, in no case to exceed five calendar days after the day in which the overtime was worked.
3. An emergency shall be construed as an unforeseen combination of circumstances which calls for immediate action, where life, health, safety, welfare, or security are involved.

B. Incidental Overtime

Incidental overtime is not compensable, and may not be credited as overtime. Incidental overtime is defined as overtime of less than ten minutes in any one day, which is non-recurrent in nature.

C. Management Overtime

1. No department head, assistant department head, or first-line supervisor shall be entitled to any compensation for overtime work except as herein stated.
2. A first-line supervisor is defined as an employee with the authority to effectively recommend any one of the following:
 - a. The hiring, transfer, suspension, promotion, discharge, and discipline of any other employee in his/her department or section.
3. Police Lieutenants and Communications Supervisors will receive paid overtime at the rate of time and one-half for all hours worked in excess of the normal daily work shift.
4. Police Lieutenants will receive premium overtime for call-back for manpower shortages, court and being held over upon the end of shifts due to excessive workload. However, Lieutenants receive straight time pay for training, monthly range obligations, and being held over at end of shift to complete reports or perform other functions that were started on the shift, but not completed prior to end of shift.
5. Fire Suppression is on a 27 day work period, during which they "normally" work 216 hours. The employees in the Fire Department classified as Battalion Chief will be paid overtime in the following manner:
 - a. Overtime at one and one-half times the regular hourly rate of pay will be paid for shift overtime hours worked in excess of 216 hours in any 27-day cycle. Shift overtime

applies only when the incumbent is the assigned on-duty Battalion Chief. For purposes of this subsection, only vacation, sick leave, holidays, jury duty, bereavement, and compensating time off shall be considered hours worked.

No other provisions in the Personnel Rules will apply to the payment of overtime for these Fire Suppression employees.

- D. The City has established different FLSA work weeks to correspond to the various work schedules as follows:
1. Police Representation Unit - 28 day work period of 171 hours. (7(k)exception to FLSA.)
 2. Fire Representation Unit- 27 day work period of 204 hours. (7(k)exception to FLSA.)
 3. 5/8 and 4/10 Work Schedule - 7 day work period of 40 hours that begins on Sunday at 12:00 and ends on Saturday at 11:59 p.m.
 4. 9/80 Work Schedule – 7 day work period of 40 hours as follows:
 - a. Work week begins on Monday at 12:00 p.m. and ends the following Monday at 11:59 a.m.
 - b. Work week begins on Friday at 12:00 p.m. and ends the following Friday at 11:59 a.m.
 5. General Employees Association - Semi-annual work period of 1040 hours. (7(b) exception to FLSA.)

SEC. 9.40 **COMPENSATORY TIME OFF**

- A. Upon the approval of his/her supervisor, an employee, other than fire safety employees, may elect to receive compensatory time off in lieu of pay for overtime hours worked. Such compensatory time off shall be credited to the employee's account on a time and one-half basis; i.e., one and one-half hours for each overtime hour worked.
- B. Once compensatory time off is selected and approved by the department head, the employee may not request cash payment. Upon separation, an employee shall be paid for accumulated compensatory time.

- C. The department head may set individual employee accumulation ceilings and procedures based on the needs of the department. These individual employee accumulation ceilings may not exceed the following maximum limits:
 - 1. 80 hours - Public Safety Dispatcher
 - 2. 40 hours - Miscellaneous employees

- D. Department management will endeavor to schedule compensatory time off to the mutual satisfaction of employee and department.

RULE X

LEAVES

SEC. 10.1 TIME OFF BENEFITS FOR SHIFT EMPLOYEES

- A. Holidays, vacations, sick leave, and other similar "timeoff" benefits granted City employees by these rules will be provided to all employees at the rate of eight (8) hours regardless of actual length of work day shift.
- B. Leave benefits for fire safety employees working a twenty-four (24) hour shift shall be calculated on the basis of one and one-half times the hourly benefit granted to employees working an eight (8) hour day.

SEC. 10.5 HOLIDAYS

- A. Class I Holidays for All Employees
 - 1. Holidays for all officers and employees shall be: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided that on any day appointed by the President or by the Governor as a special or limited holiday, City offices shall be open and shall function in their normal and usual manner, and all other public functions shall be performed as on days which are not holidays. (Resolution #7990.5 & #7989 – 1/87)
 - 2. A special or limited holiday is hereby defined as a holiday applying only to a special class or classes of business, or a special class or classes of persons and not appointed to be generally observed throughout the state by all classes of business and all classes of persons. The West Covina City Hall will remain open on all limited holidays unless the Council takes official action to close it.
 - 3. Non-shift employees, in the Police Representation Unit, who work on the 4/10 work schedule shall be paid 10 hours for each holiday stated in 10.5. A.1.

B. Class II Holidays

1. Class II Holidays - General, Maintenance, Communications, Fire Prevention and Management

Washington's Birthday, the day after Thanksgiving Day, the day before Christmas unless Christmas falls on a Saturday, Sunday or Monday, and 40 floating personal leave hours per year to be taken at times specified in administrative guidelines. (Resolution #7990.5 & #7989 - 1/87)

2. Class II Holidays - Police Representation Unit

Martin Luther King's Birthday, Lincoln's Birthday, Washington's Birthday, Admission Day and Veteran's Day, and the day after Thanksgiving Day.

3. Class II Holidays - Fire Suppression

Holidays shall be paid on the basis of one per month with no specific date designated to all classifications. If an employee terminates prior to the effective date of the traditional holiday, the holiday pay will be deducted from the final check.

4. Class II Holidays - Non-Shift Employees in Police Representation Unit

Washington's Birthday and the day after Thanksgiving for employees on the 4/10 work schedule shall be paid at 10 hours for each holiday. The remainder of the holidays listed in 10.5.B.2 will be discontinued and instead employees will accrue 16 hours of compensatory time.

C. Observation of Saturday and Sunday Holidays

For those employees whose normal work week is Monday through Friday, when a holiday falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed. When a holiday falls on a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the day observed. For all other employees, when a holiday falls on a regularly scheduled day off, the employee shall be entitled to straight time compensation for the holiday. This compensation can be taken as either compensatory time or pay, at the discretion of the employee. (Resolution #8316 - 3/89)

D. Compensatory Time for Holidays

Any employee whose regular schedule requires him/her to work on a holiday shall be given compensating time off for such work or paid the straight daily equivalent of his/her salary at the discretion of the department head.

E. Exception to Holiday Benefit

This section shall not apply to any employee hired on a part-time, temporary, extra help, hourly, or daily basis. A temporary employee who is filling a full-time position, during the absence of a regular employee on military leave of absence for military duty, shall be entitled to the same holidays as a regular employee.

- F. Employees are eligible to receive credit for holidays only if they are in a "paid status" on the regularly scheduled work day or shift immediately preceding the holiday and the regularly scheduled work day or shift immediately following the holiday. "Paid status" includes vacation, sick leave; compensatory time, injured on duty, etc.

SEC. 10.10 **ADMINISTRATIVE LEAVE**

A. Purpose

Administrative leave is granted to selected "management and confidential" designated positions. The purpose of such leave is to provide limited time off with regular compensation in recognition of the amount of time beyond the regular business week that is spent by such personnel on City business. No management employee shall otherwise be entitled to compensation for overtime unless specifically so designated.

B. Administrative Leave - Management

A minimum of 56 hours per year of administrative leave (pro-rata based upon date of hire or entrance into management) is granted to management employees other than Communications Supervisors and Police Lieutenants. Additional administrative leave, based on annual vacation earnings, may be granted. Such additional leave time shall be calculated at the rate of twenty-five percent of an employee's annual earned vacation rate as of January 1 of each year. The use of management leave is to be in accordance with current and future guidelines approved by the City Manager. (Resolution #7990 - 1/87)

C. Administrative Leave - Confidential

Up to a maximum of 56 hours per year of administrative leave (pro-rata based upon date of hire or entrance into confidential) may be awarded to confidential employees based upon extra hours contributed by the employees as evaluated and approved by the respective department head. (Resolution #7990 - 1/87)

SEC. 10.15 **PERSONAL LEAVE**

A. With the exception of Police Lieutenants and Fire Battalion Chiefs, all management/confidential employees, and employees in the general, maintenance, and communications representation units are entitled to 40 hours per calendar year as personal leave time which is usable subject to the approval of the department head or the designated authority. Personal leave becomes usable on January 1 of each calendar year and must be used by December 31 of the same calendar year. Personal leave time may not be carried over into the next calendar year nor may the hourly equivalent be paid in lieu of time off.

B. Personal Leave - Public Safety Dispatchers & Senior Communications Operators

Public Safety Dispatchers & senior Communications Operators may have the choice of using their personal leave days as such, adding them to vacation, or taking direct cash payment in lieu of time off. Approval of such requests shall be subject to staffing requirements as determined by the department head.

C. Personal Leave - New Employees

New employees are not eligible to use personal leave until they have been continuously employed with the City for a period of one month.

New employees appointed after the beginning of the calendar year are entitled to personal leave days at a rate of 3.33 hours per month of employment. If the hire date is before the 12th of the month, the employee will receive credit for that month.

D. Personal Leave – Reinstated Employees

Reinstated employees shall receive credit for all prior service in the current year in ascertaining the number of days/hours usable and when they may be used.

E. Personal Leave - Terminating Employees

1. Terminating employees who have not used all the floating personal times that they are entitled to shall be paid off at the rate of 3.33 hours per month of employment in the current calendar year. If the employee's termination date is after the 18th of the month, the employee will receive credit for that month.
2. If terminating employees have taken more floating personal leave time than they are entitled to, the amount of time taken in excess shall be deducted from vacation, sick leave pay-off, or salary when final checks are computed.

SEC. 10.20 **VACATION**

A. Vacation Accrual

1. Accrual Rates

Each full-time employee shall accrue vacation leave with pay at the rate of 6.67 hours of a working day per month for each month of service with the City up to and including 60 months of service, and at the completion of 60 months of service, 40 additional hours vacation shall be granted; from 61 up to and including 108 months, vacation shall be earned at the rate of ten (10) hours per month; and from 109 up to and including 120 months, vacation time shall be earned at the rate of 10.67 hours per month; and from 120 up to and including 132 months, vacation time shall be earned at the rate of 11.33 hours per month; and from 132 up to and including 144 months, vacation time shall be earned at the rate of 12.00 hours per month; and from 144 up to and including 156, vacation time shall be earned at the rate of 12.67 hours per month; and from 156 or more months, vacation time shall be earned at the rate of 13.33 hours per month, up to a maximum not to exceed 160 hours earned vacation per year.

2. Management New Hires

Each management employee shall be granted, upon completion of one year of employment, at the employee's first anniversary date, a maximum of 120 hours of vacation leave with pay. Additional vacation, based on length of service, will accrue pursuant to these rules.

3. Lateral Entry Employees

Any person employed on the lateral entry program at a salary in excess of the beginning salary fixed for the class and who has completed five years of service with a prior employer, performing the same or similar duties shall be eligible for 120 hours vacation leave with pay upon the completion of eighteen months of service with the City. Thereafter, for the purpose of computing the employee's future vacation he/she shall be deemed to have completed sixty months of service.

4. Reinstated/Reemployed Employees

Any employee who is reinstated or reemployed under the provisions of these rules shall accrue vacation at the same rate as prior to his/her termination.

5. Ineligible Employees

No vacation with pay is allowable to part-time, emergency relief, seasonal, temporary, or extra help employee, nor to employees paid solely on an hourly or daily basis. Provided, however, that a temporary employee who is filling a position in which a person on military leave has regular classification and the right to return, shall be entitled to the same vacation as he/she would have been entitled to had he/she not been on temporary employment.

B. Vacation Use

1. New employees - Upon completion of six (6) consecutive months of service, may be credited with one-half of the annual earnings, and may begin using such accrual. Thereafter, employees may use vacation as they complete each month of service.
2. It is the policy of the City that where possible, vacation be taken in the year earned. Upon approval of the department head, vacation leave may be accumulated to a maximum of 160 hours added to an amount equal to the monthly accrual rate multiplied by 12.
3. The time during the year at which an employee may take his/her vacation shall be determined by the appointing authority of such employee with due regard to the wishes of the employee and particular regard for the needs of the service.
4. If a holiday falls within a scheduled vacation period, 8 additional hours of vacation shall be granted.
5. The Division Managers shall fix vacation periods for department heads.

C. Payment for Unused Vacation

1. Any employee, who has been in continuous full-time service of the City for a period of six (6) full months or more, who is about to terminate his/her employment, shall be paid for accrued vacation time on the effective date of termination.
2. Upon request of the employee and the department head and with approval of the City Manager, in order to address unusual or emergency conditions, an employee may be paid the straight time daily equivalent of his/her salary in lieu of vacation time off. Such payment shall be for no more than 40 hours in any one calendar year, except as otherwise provided herein.

3. Management Employees

- a. Management employees with less than five years City service, exempt or non-exempt, may receive payment in lieu of up to 80 hours of accumulated vacation time in any calendar year upon filing a written request with the Finance Department five days prior to requested date of issuance of the check, upon approval of department head.
- b. Management employees with five or more years of City service, exempt or non-exempt, may receive payment in lieu of up to 120 hours accumulated vacation time in any one calendar year upon filing a written request with the Finance Department five days prior to requested date of issuance of the check, upon approval of department head.

4. Confidential Employees

- a. Confidential employees with less than five years City service, exempt or non-exempt, may receive payment in lieu of up to 40 hours accumulated vacation time in any calendar year upon filing a written request with the Finance Department five days prior to requested date of issuance of the check, upon approval of department head.
- b. Confidential employees with five or more years of City service, exempt or non-exempt, may receive payment in lieu of up to 80 hours accumulated vacation time in any one calendar year upon filing a written request with the Finance Department five days prior to requested date of issuance of the check, upon approval of department head.

D. Advance Payment of Vacation

Any employee who is authorized to take 40 or more hours, (2-1/2 shifts for fire suppression employees) of vacation with pay at one time may apply for the payment of salary in advance for any pay period occurring during the period of the employee's authorized vacation. The application must be approved by the employee's department head and filed with the Finance Director at least seven (7) days before the vacation period for which the salary advance is requested. In cases of extreme emergency where the employee is unable to give the required notice, approval for an advance vacation check may be given where such request can be justified to, and approved by, the department head, division manager, and Finance Director.

SECTION 10.21

SICK LEAVE

A. Allowance/Accumulation

Following completion of thirty (30) calendar days of continuous full-time service, each City employee paid upon a monthly basis shall be allowed 8 hours of credit for sick leave pay. Thereafter for each calendar month of service in which the employee has worked or has been paid for more than two-thirds (2/3) of the actual number of working days of such month, she/she shall be allowed 8 hours of credit for sick leave with pay. Unused sick leave may be accumulated without limit.

Fire Department employees working on the platoon system shall accrue sick leave under the same conditions as general City employees and at the same rate using the 1: 1.5 ratio factor.

B. Lateral Entry Sick Leave

Any person employed by the city for full-time service on the Lateral Entry Program at a salary in excess of the beginning salary fixed for the class and who, at the time of his/her employment, had accumulated unused full pay sick leave by virtue of his/her employment by another public entity, shall be given credit for that accumulated full pay sick leave as if it had been earned in the full-time service of the City of West Covina.

C. Reinstatement of Sick Leave

1. Any employee who is reinstated under the provisions of these rules shall be given full credit for his/her unused accumulated sick leave at the time of termination, provided, however, that no payoff for accumulated sick leave was received upon termination.
2. Applicable only to non-public safety employees. Upon reemployment, an employee will have sick leave time reinstated in that amount accumulated at the time of layoff up to a maximum of 320 hours. In the event that through the course of continued employment accumulated sick leave exceeds 320 hours, payoff for such excess accumulations shall be in accordance with the payoff provisions of the program, but in no case shall the aggregate of such amount(s) exceed that provided by the policy.

D. Use of Sick Leave

1. Approval

Sick leave can only be granted upon the approval of the concerned appointing power or his/her designee in the case of bona fide illness or injury of the employee or in the event of the serious illness or death of a member of the employee's immediate family.

2. Immediate Family

No more than 40 hours of sick leave within any calendar year may be granted to an employee for the care or attendance upon members of his/her immediate family, and not more than 40 hours (or three shifts for fire platoon employees) of sick leave within any calendar year may be granted to an employee for each absence due to death of his/her immediate family. The phrase "immediate family" is construed to mean the husband, wife, parent, brother, sister, child, and a grandparent or grandchild, if residing within the home or within the same place of residence of the officer or employee. (Resolution #8287 - 1/89)

3. Temporary Disability

A City employee who is entitled to temporary disability indemnity under Div. 4, Div. 4.5 of the State Labor Code may elect to take that number of days or portions of days of his/her accumulated sick leave, or his/her accumulated vacation, as when added to his/her disability indemnity will result in payment to him/her of his/her full-salary. When his/her accumulated sick leave, or vacation, or both are exhausted, he/she is still entitled to receive disability indemnity.

4. Sick Leave Exemptions

No employee shall be entitled to sick leave with pay while absent from duty on account of the following causes:

- a. Disability arising from sickness or injury purposely self-inflicted or caused by any of his/her own willful misconduct.
- b. Sickness or disability sustained while on leave of absence, other than regular vacation leave or sick leave.
- c. Disability or illness arising from compensated employment other than with the City of West Covina.

5. Sick Leave During Vacation

Sick leave shall not be used in lieu of or in addition to vacation. However, an employee who becomes seriously ill on an approved vacation may contact his/her department head and request that sick leave be granted in lieu of vacation for the period of illness. The department head has discretion in approving or disapproving such request.

6. Holiday During Sick Leave

Observed holidays occurring during sick leave shall not be counted as a day of sick leave.

7. Use of Sick Leave to Offset Disability Retirement

No employee shall use sick leave days to offset the date of disability retirement. The effective date of disability retirement shall be as soon as practicable after the City's physician has determined that the employee can no longer perform the duties of his/her or an alternate position.

E. Proof of Illness or Injury

The department head may require evidence in the form of a physician's certificate or written statement, as to the adequacy of reason for any employee's absence of two (2) or more consecutive working days for which sick leave was requested. A failure to supply or provide said certificate or written statement shall be grounds for denial of sick leave pay and the imposition of such disciplinary action as may be deemed appropriate.

In the Fire Department, the Department Head may require evidence in the form of a physician's certificate or written statement, as to the adequacy of the reason for any Fire employee's absence of three (3) or more consecutive shifts for which sick leave was requested. A failure to supply or provide said certificate shall be grounds for denial of sick leave pay and the imposition of such disciplinary action as may be deemed appropriate.

F. Sick Leave Pay-Off Upon Termination

1. Employees in the Communications, General, and Maintenance classifications, upon termination of continuous service, other than by discharge, shall be paid for 50 percent of all sick leave accrued to the time of such termination which is in excess of 320 hours, but does not exceed a maximum accrual of 800 hours.
2. Management and Confidential and employees in position classifications in the Police representation unit, upon death, retirement, or voluntary termination, shall be paid 1/3 of their accumulated and unused sick leave up to a maximum of 400 hours provided, however, that no eligibility for payoff of unused sick leave exists for employees terminating prior to three years of full-time employment with the City.

G. Ineligible Employees

Sick leave is not allowable to part-time, emergency, seasonal, relief, temporary, or extra help employees, nor to employees paid solely on an hourly or daily basis. Provided, however, that a temporary employee who is filling a position in which a person on military leave has regular classification and the right to return, shall be entitled to the same sick leave as he/she would have been entitled to had he/she not been on temporary employment.

H. Physical Examination

Any employee absent from work for a period of three (3) or more consecutive working days, three or more consecutive shifts for Fire employees working a twenty-four (24) hour shift, due to illness or accident may be required to submit to and successfully complete a physical examination before returning to active duty. The physical examination will be conducted by a physician of the City's choice with all costs paid by the City.

SEC. 10.22 **PILOT PROGRAM - SICK LEAVE, ANNUAL PAYOFF AND ACCRUAL**

The following sick leave payoff and accrual program was instituted in 1980, as a "pilot program." The program will remain in effect and will be reevaluated by City management. If the program is discarded, the City will revert to its previously effective sick leave program as contained herein.

Sick leave will be earned at the rate of eight hours per month for a possible total maximum of 96 hours per calendar year. Sick leave used during each calendar year will be charged against the current year's earnings.

By November 30 of each calendar year, the City will determine the amount of unused sick leave for each regular employee. Each employee must carry over to a sick leave "bank" a minimum of 56 hours in December, and may request cash payment for any hours above 56 or may add it to the sick leave bank. If 56 hours of unused sick leave are not available, the number of unused hours must be carried over to the sick leave bank. The current payoff programs at termination or retirement, as detailed in these rules, remain unchanged.

SEC. 10.25 **BEREAVEMENT LEAVE**

Bereavement - 40 hours (3 shifts for fire platoon/shift employee) of said leave per calendar year will be available to an employee in the event of the death of said employee's grandparent, parent, spouse, child, stepchild, brother, or sister. The program is supplemental to the current sick leave program. (Resolution#8287)

SEC. 10.26 **MILITARY LEAVE**

Military leave with pay shall be granted in accordance with Section 395 of the Military and Veteran's Code.

Any employee who is on temporary military leave of absence for military duty ordered for purposes of active military training, encampment, naval cruises, special exercises, or like activity as such member, provided that the period of ordered duty does not exceed 180 calendar days including time involved in going to and

returning from the duty, but not for inactive duty such as scheduled reserve drill periods, and who has been in the service of the public agency from which leave is taken for a period not less than one year immediately prior to the day on which the absence begins shall be entitled to receive his/her salary or compensation as such public employee for the first 30 calendar days of any such absence. Pay for such purposes shall not exceed 30 days in any one year of public agency service, all service of said public employee in the recognized military service shall be counted as public agency service.

SEC. 10.27 **JURYDUTY, WITNESS LEAVE**

A. Jury Duty

1. No deductions shall be made from the salary of an employee while on jury duty if he/she has waived or remitted to the City the fee for jury duty paid for hours the employee is scheduled to work. If he/she has not so waived or remitted the jury fee, he/she shall be paid only for the time actually worked in his/her regular position. An employee accepted for jury duty shall immediately notify his/her department head in writing whether or not he/she waives or remits his/her jury fee to the City.

2. A professional fire employee who is subpoenaed or required to appear in court as a witness on job related matters shall be deemed to be on paid leave of absence, while actually in court. Any notification of such appearance shall immediately be reported to the duty Battalion Chief. The employee shall remit to the City Treasurer all fees received except mileage.

The City will grant an employee required to serve on jury duty, or to report for examination to serve on jury duty, one time for a maximum of 160 hours, paid leave for such purposes during any three consecutive years of employment. All fees received by the employee for jury duty, exclusive of mileage, shall be remitted to the City." Administrative procedures will govern implementation of this program.

B. Witness Leave

A sworn fire employee who is subpoenaed or required to appear in court as a witness on job-related matters shall be deemed to be on paid leave of absence while actually in court.

SEC. 10.28 **FAMILY CARE LEAVE** (Resolution #8762 - 12/91)

A. Birth or Adoption

Leaves due to pregnancy or subsequent to the birth or adoption of a child for parental care purposes, will be granted for a reasonable period of time by the City Manager, provided such period, including paid leave and leave without pay, shall not exceed four months. Such leave shall not be conditioned on whether the employee is medically disabled but must be directly associated with the birth or adoption of a child. Only those employees with at least one year of continuous City employment shall be eligible.

B. Family Illness

Leaves due to the serious health condition of a child, spouse or parent of an employee may be granted for a reasonable period of time by the City Manager, provided such period including paid and unpaid leave, shall not exceed four months in any 24 month period. Only those employees with at least one year of continuous City employment shall be eligible. Certification from a health care provider that the employee's leave is necessary and the prospective length of such leave may be required upon request. Family care leave shall be administered in a manner consistent with Sections 12945, 12945.2 and 19702.3 of the California Government Code. California law shall prevail unless preempted by federal law.

C. Use of Paid Leave

Paid benefit time such as vacation, personal leave days, compensatory time and administrative leave may be taken during any family leave period so long as the total time off does not exceed four (4) months. Such leave must be used prior to an employee taking leave without pay except during the disability period of a female employee which is in conjunction with the birth of a child. Sick leave may only be used during the disability period or as provided under Personnel Rule X, Section 10.21, D.2. All employees on family care leave are entitled to return to the same or a comparable position.

SEC. 10.29 **WORK RELATED DISABILITY LEAVE** (CC Action 1/8/02)

A. Entitlement to Leave

Whenever any employees of the City are disabled, whether temporarily or permanently, by injury or illness arising out of and in the course of their duties, they shall be entitled, regardless of their period of service with the City, to leave of absence while so disabled, without loss of salary - temporary disability compensation, if any, being considered as and credited

to salary for this purpose - for the period of such disability, but not exceeding one year, or until such earlier date as they are determined to be permanent and stationary and unable to return to their usual and customary duties; and the leave of absence, hereby granted shall be in addition to, and shall not be charged to or deducted from, accumulated sick leave except as provided herein. Such leave, however, shall not be paid for more than three days unless and until such employees are determined by the City to be legally entitled to receive benefits under the Worker's Compensation Law of the State of California based upon such injury or illness. When and while applicable, this section shall supersede the provisions of the Grievance Procedure.

B. Salary Step Increases During Leave (CC Action 1/8/02)

Relative to non-public safety employees, (1) promotion or step increases which would have come due during a disability leave shall take effect upon the day the employee returns to regular duties in accordance with existing rules; (2) holidays occurring during disability shall not be counted as disability leave days, but shall be considered as holidays for which time off has been utilized; and (3) vacation and sick leave benefits shall continue to accrue during periods of industrial disability leaves.

C. Review of Safety Committee

The first three (3) days of absence of a non-public safety employee due to a disability shall be charged to the employee's usable accumulation of sick leave or other time off benefits; provided, however, that the Safety Committee or its sub-committee, upon request of the employee, shall review the circumstances of the injury. If the Safety Committee rules that the employee had no possible opportunity to prevent or reduce the injury through any alternative action, disability time off charged to the employee's time off benefits may be restored. Such restorations shall be limited to causes where no danger could have been anticipated or precautions and actions taken by the employee to prevent or reduce the injury.

Appeal of Safety Committee determinations provided for in this section shall be made to the City Manager, whose decision shall be final.

D. Paid Leave During Disability

No sworn members of the Police and Fire Departments, while on or entitled to disability leave of absence, shall suffer the loss of any vacation, sick leave, or increase in compensation which would have accrued, or to which he/she would have been entitled, if he/she were actually performing his/her duties.

E. Probation During Disability

Probationary employees on temporary disability due to work incurred or related injury/illness shall not progress towards the completion of the probationary period while on such temporary disability leave.

SEC. 10.30 SPECIAL LEAVE OF ABSENCE WITH PAY

When an employee has exhausted all sick leave and vacation time to which he/she is entitled, the City Council may, upon a showing of good cause and justifiable and deserving circumstances, grant to such employee a leave of absence with pay for a period not exceeding six months and subject to such conditions as the City Council may deem advisable. If temporary disability payments are paid to such employee during any such leave of absence with pay, they shall be credited to and considered apart of his/her salary, and the City shall pay only the difference which when added thereto would equal his/her full salary. The aggregate of all such leave shall not be more than one year.

SEC. 10.35 LEAVES OF ABSENCE WITHOUT PAY

A. Unauthorized Absence - Automatic Termination

Any employee absent from his/her job for more than two (2) working days without prior permission of the department head, shall be considered to have automatically terminated his/her employment with the City.

B. Unauthorized Absence - Other Disciplinary Action

Any unauthorized absence may be cause for disciplinary action as provided in these rules.

C. Authorized Absence

1. Upon the request of the employee and the recommendation of the appointing authority, a leave of absence without pay may be granted by the Council or City Manager to an employee, who immediately preceding the effective date of such leave, shall have completed at least one year of continuous service.
2. An employee shall not be entitled to a leave of absence as a matter of right, but only upon good and sufficient reason.

D. Leave of Absence Without Pay - Duration

1. Request for leave of absence without pay shall be made as prescribed by the Personnel Officer, and shall state specifically the reason for the request, the date when it is

desired to begin the leave, and the probable date of return. The Personnel Officer will transmit the request to the council, in the case of leaves of more than one hundred twenty (120) calendar days. A request for a leave of one hundred twenty (120) calendar days or less may be approved by the City Manager, upon recommendation of the appointing authority. A physician's statement will be required of employees who request leave of absence without pay as a result of a medical condition.

2. A leave of absence without pay may be granted by the Council for a period not to exceed one year provided that the Council may extend such leave for an additional year.

E. Military Leave

The Council may grant a military leave of absence without pay for an indefinite period of time to any employee who is called into active military service even though the employee does not meet the one (1) year of continuous service requirements specified in Section 10.26.

F. Leave of Absence - Injury

The Council may grant a leave of absence without pay for an indefinite period of time to any employee who is injured on the job, or has a serious illness even though the employee does not meet the one year of continuous service requirements as specified in Section 10.35.C.

G. Accrual of Benefits

Leave of absence without pay granted by the Council shall not be construed as a break in service or employment, and rights accrued at the time of leave is granted shall be retained by the employee; However, vacation credits, sick leave credits, increases in salary and other similar benefits shall not accrue to a person granted such leave during the period of absence. An employee reinstated after leave of absence without pay shall receive the same step in the salary range he/she received when he/she began his/her leave of absence. Time spent on such leave without pay shall not count toward service for increases within the salary range, and the employee's salary anniversary date shall be set forward one month for each thirty (30) consecutive days taken.

SEC. 10.36. **FAILURE TO RETURN FROM LEAVE**

- A. Failure of the employee to return to his/her employment upon the termination of any authorized leave of absence shall constitute an automatic termination from City service of that employee, unless such leave be extended.
- B. The Council reserves the right to revoke or cancel any authorized leave for reasons which said Council finds to be sufficient.

RULE XI

LAYOFF/REEMPLOYMENT

SEC. 11.1 ELIMINATION OF POSITIONS

Public interest may require elimination or curtailment of a public service activity which may, therefore, require the layoff of one or more employees. The following procedure is intended to provide primary consideration to seniority of service.

SEC. 11.2 LAYOFF PROCEDURE

A. Seniority

Seniority is defined as the length of continuous service in the employee's present classification or in higher or equal classes regardless of department to which assigned. When employees have equal seniority for retention in a class, the employee with the greater amount of seniority credit with the city shall have the highest retention priority. "Seniority credit with the City shall be defined as the length of continuous service from the last date of hire by the city, including time spent in the San Gabriel Valley Fire Authority. If a tie occurs, priority shall be determined on the basis of the employee's rank on the certified eligibility list at the time of appointment to that class.

B. On the least seniority basis, employees will be laid off in order of the following categories, completely exhausting each before proceeding to the next.

1. Temporary, seasonal and provisional non-regular employees.
2. Probationary, full-time employees in the classified service.
3. Regular, classified full-time employees.

C. When a position within a class is abolished, the following steps shall be observed:

1. The names of all employees occupying positions in said class shall be listed in the order of their lengths of service in said class or in higher or equal classes.
2. If on this list there is included the names of any probationary or otherwise non-regular employees, the appointing authority shall choose an employee from the three least senior to be laid off for each position to be abolished. The provision of paragraph 4 shall apply to such of these laid off employees as hold regular status in a lower class.

3. The appointing authority shall base the layoff decision on quality of service and seniority. If one layoff is to be made, the three lowest seniority employees will be considered. If more than one layoff is to be made, the number of employees lowest in seniority equal to the number of layoffs, plus two, will be considered.
4. An employee laid off under the provisions of paragraph 2 who holds regular status in a lower class, may request demotion to a position in said lower class or equivalent class in order to avoid layoff. If the employee makes such request, a list of employees as prescribed in paragraph 1 shall be prepared and subject employee shall have his/her name placed among the other names on said list according to his/her seniority. Thereafter, the appointing authority shall choose an employee to be laid off according to the provisions of paragraphs 2 and 3.
5. An employee laid off, under the provisions in paragraph 4 may request demotion to a position in any lower class within the same series as, or an equivalent series to, that within which he/she held his/her position. If the employee makes such request, thereafter the same provisions as stipulated in paragraph 4 with respect to the preparation of a list of employees and the selection of an employee to be laid off shall apply.
6. In the case of layoffs necessitated by demotion under the above outlined procedures under the above outlined procedures, the same general provisions as above outlined shall apply in laying off employees in the lower class.
7. In the case of any questions as to the equivalency of classes for the purpose of preparing the lists prescribed above, the Personnel Officer, having responsibility for the maintenance and application of the classification plan, shall render his/her judgment and such judgment shall be final.

D. Written Notice of Layoff

1. Any employee to be laid off will be given written notice of layoff not less than fourteen (14) calendar days prior to the effective date of such layoff.
2. An employee so notified will be provided with three (3) working days to respond/appeal the City's layoff notice.

3. Upon receipt of notice of layoff and in order to avoid layoff, an employee may request a demotion in writing to the Personnel Officer within three (3) working days of receipt of layoff notice.

E. Specially Funded Positions

1. When a position is created and is funded by a grant of funds from the State or the Federal government, the position shall be automatically abolished when the funding is terminated. The incumbent of the position shall be laid off on the date upon which the position is abolished and the layoff procedures prescribed in these rules are applicable and shall be followed.
2. Any employee hired or promoted to fill a vacancy in a regular full-time City position resulting from the assignment of a regular employee to a specially funded position, may be demoted or laid off in accordance with this procedure at the time the regular employee returns to his/her former position.

SEC. 11.3 REEMPLOYMENT

A. Reemployment List

1. The reemployment list shall consist of the names of regular employees who have been laid off for lack of work, or lack of funds from a position in the same class, or an equivalent class, or that in which the vacancy exists.
2. Such names shall be placed on the reemployment list in reverse order of layoff. Last employee laid off is the first employee on the reemployment list with other laid off employees in sequential order thereafter.
3. Employees whose positions have been reallocated to a lower class, but who have not been demoted for cause, shall also have their names placed on the reemployment list for the class from which their position was reallocated.
4. Reemployment lists shall be certified by the Personnel Officer and shall be valid for one year from date of layoff.

B. Appointments

The appointing authority shall select from among the three highest available and qualified on the reemployment list. Qualifications shall be determined by the last performance evaluation.

C. Prior Service

For the purpose of computing total seniority with the City, an employee reemployed shall have the same prior service credited to them as they had at the time of layoff.

D. Anniversary Date

Upon reemployment, an employee shall be credited with the same portion of a year as that credited at the time of layoff for purposes of establishing a new anniversary date for step and merit increase eligibility.

RULE XII
SEPARATIONS/RETIREMENT

SEC. 12.1 **RESIGNATIONS**

Ordinarily a resignation in good standing shall require the submittal by the employee of a notice of planned resignation. Once submitted a resignation notice may not be withdrawn without the approval of the appointing authority.

SEC. 12.2 **AGE AND RETIREMENT**

After reaching his/her normal retirement date under the Public Employees' Retirement System, upon request of an employee and the consent of the City Manager, except as to elective officers or officers appointed directly by the City Council, an employee may remain in the active service of the City for such additional period or periods as the City Council may authorize, provided that no one period shall exceed twelve months. The employee's actual retirement date shall be on the first day of any month within the ten year period immediately succeeding his/her normal retirement date.

RULE XIII

OUTSIDE EMPLOYMENT

SEC. 13.1 POLICY

A city officer or employee shall not engage in any employment, activity, or enterprise which is inconsistent, incompatible, or in conflict with his/her duties, functions, or responsibilities of his/her appointing authority or the department in which he/she is employed, nor shall he/she engage in any outside activity which will directly, or indirectly, contribute to the lessening of his/her effectiveness as a City employee.

SEC. 13.2 AUTHORIZATION

- A. Any officer or employee wishing to engage in an occupation or outside activity for compensation, shall inform the appointing authority of such desire, providing information as to the time required and nature of such activity and such other information as may be required, and the appointing authority shall determine whether or not said outside activity is compatible with the employee's City employment.
- B. If the appointing authority determines such activity is compatible, he/she may authorize the activity in writing using the "Outside Employment Form" and sending a copy to the Personnel Office
- C. Said authorization shall be valid only for work and period prescribed therein.

SEC. 13.3 DETERMINATION OF INCONSISTENT ACTIVITIES

In making a determination as to the consistency or inconsistency of outside activities, the appointing authority shall consider, among other pertinent factors, whether the activity:

- A. Involves the use for private gain or advantage of City time, facilities, equipment, and supplies, or the badge, uniform, prestige, or influence of one's City office or employment.
- B. Involves receipt or acceptance by the officer or employee of any money or other consideration from anyone other than the City for the performance of an act which the officer or employee, if not performing such act, would be required or expected to render in the regular course of his/her City employment or as a part of his/her duties as a City officer or employee.
- C. Involves conditions or factors which would probably directly or indirectly lessen the efficiency of the employee in his/her regular City employment, or conditions in which a substantial danger or injury or illness to the employee.
- D. Involves the performance of an act in other than his/her capacity as a City officer or employee, which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement by such officer or employee or the department in which he/she is employed.

SEC. 13.4

INJURIES RELATED TO OUTSIDE EMPLOYMENT

The City will investigate injuries to determine if they were sustained or aggravated by outside employment. The determination that an employee's injury was sustained or aggravated by outside employment may impact on eligibility for Workers' Compensation and rights under Section 4850 of the Labor Code of the State of California.

RULE XIV

DISCIPLINARY ACTIONS

SEC. 14.1 CAUSES

- A. Disciplinary measures may be taken for any good and sufficient cause. The extent of the disciplinary action taken shall be commensurate with the offense, provided that the prior employment history of the employee may also be considered pertinent. Cause may include violation of the Personnel Ordinance or of these Rules or any rules and for regulations of the Police Department or the personnel thereof, any act of insubordination or act detrimental to the public service, or any departmental policy or rule failure, refusal or inability to comply with the duties of the position occupied by the employee, or any other type of misfeasance, malfeasance or nonfeasance relating to his/her duties, office or position.

- B. Reductions in pay which are part of a general plan to reduce salaries and wages as an economy measure are not disciplinary measures.

SEC. 14.2 AUTHORITY FOR DISCIPLINARY ACTIONS

- A. The appointing authority shall have authority to take disciplinary action provided also that the appointing authority may delegate to certain of his/her subordinate supervisory employees the authority to make official warnings. Immediate suspensions may not be stipulated, however, except by the appointing authority.

- B. The Personnel Officer shall be notified of any contemplated disciplinary action prior to the time it is taken, provided that in emergency situations or other instances when prior notification is not practicable, the Personnel Officer may be notified as soon as possible subsequent to the time the action is taken.

SEC. 14.3 KINDS OF DISCIPLINE

Disciplinary actions include suspensions, demotions, reduction in pay and dismissal. Oral and written reprimands are considered official warnings and are not disciplinary actions covered under this section. Employees receiving warnings may respond in writing and have such response placed in their personnel file.

All disciplinary actions shall be made in accordance with these Rules. Probationary and limited service employees may be dismissed, demoted or reduced in pay without right to review or appeal unless otherwise required by law.

A. Cause for Suspension, Demotion, Reduction in Salary, Dismissal

An employee with regular status may be demoted, suspended, reduced in pay or dismissed only for cause. The following are declared to be causes for such action, although charges may be based upon causes other than those specifically listed:

1. Failure to meet work performance standards and requirements.
2. Discourteous treatment of the public or other employees.
3. Willful or negligent disobedience of any law, ordinance, rule or regulation, or superior's lawful order.
4. Excessive absenteeism or absence without approved leave.
5. Misappropriation or damage of public property or public funds through negligent or willful misconduct.
6. Excessive tardiness.
7. Deception or fraud in securing a job appointment, promotion or making a false statement on an application for employment.
8. Falsification of a relevant official statement or document.
9. Possessing or using narcotics, alcohol or controlled substances in City offices, facilities or property, or being under the influence of same while on duty.
10. Failure to supply full information as to character, employment history, or acts which, if known at the time of appointment might have resulted in disqualification for the job to which appointment was made.
11. Improper or unauthorized use of City property.
12. Failure to exhibit good behavior or conduct, either during or outside of duty hours which is of such a nature that causes discredit to the appointing authority or City.
13. Outside employment not specifically noticed to and authorized by the appointing authority.
14. Acceptance from any source of a reward, gift, or other form of remuneration in addition to regular compensation to an employee for the performance of his or her official duties.

15. Improper political activity while on duty such as campaigning or espousing the election or non-election of any candidate in national, state, county or municipal elections.

SEC. 14.4 **DUE PROCESS**

A. Notice to Employees

In instances of serious disciplinary actions which result in financial detriment to the employee, i.e., dismissal, demotion, salary reduction, and suspension equivalent to more than 40 hours, written notice of the proposed disciplinary actions shall be submitted to regular employees five (5) work days prior to the effective date of the proposed action. In emergency situations when prior notification is not practicable, an employee may be suspended with pay until such notice is given and until the proposed action becomes effective.

1. The written notice shall state the proposed disciplinary action, the effective date, and specific charges upon which the proposed disciplinary action is based.
2. The written notice shall inform the employee that he/she may have access to copies of all written material supporting the proposed action.
3. The written notice shall also inform the employee of his/her right to respond, either orally or in writing, to the Department Head or Division Manager before the disciplinary action is imposed. Such response must be made within five (5) working days of receipt of the written notice. Failure to respond during the time specified shall constitute a waiver of the right to respond prior to imposition of the proposed action.
4. In cases involving suspension of less than 40 hours, or reduction in pay equivalent to less than 40 hours of cumulative pay, oral notice of proposed action is sufficient prior to imposition. Written order of action shall be given to the employee within five (5) working days after the discipline is imposed.
5. In cases involving disciplinary action to suspend for more than 40 hours, reduce in pay for the equivalent of more than 40 hours, or dismiss an employee, a written order of such action must be provided within five (5) working days of the effective date. The order shall contain the right of appeal of the imposed action.

B. Evidentiary Hearing - Right of Appeal

As provided in Section 2-254 of the Municipal Code, any regular employee in the classified service who has been demoted, dismissed, suspended for a period of five work days or more, or reduced in step within his/her range shall be entitled to request a hearing before the Personnel Commission, provided, however, that employees in the position classifications in the Police representation unit shall have the right to appeal a disciplinary suspension pursuant to these rules, and the Public Safety Officer Procedural Bill of Rights Act.

C. Appeal Procedure

2. Within five (5) workdays of the receipt of the department head's decision, as provided in Section 14.4, or within five (5) workdays of the effective date of a demotion, dismissal, suspension of five days or more, or reduction in pay equivalent to five days or more, if such written notification has not been given, the disciplined employee may make his/her answer or protest to the disciplinary action. Such answer shall be in writing and in three (3) copies and shall be filed with the Personnel Office.
2. The Personnel office shall then forward one (1) copy of such answer to the appointing authority. The appointing authority shall consider such answer and may at his/her own discretion request the Personnel officer to arrange an informal meeting between himself/herself and the employee. The Personnel Officer shall arrange for and attend such meeting.
3. Within three (3) workdays subsequent to such meeting, the appointing authority may revoke, modify, or affirm the initial disciplinary action and shall, in writing, specify his/her intention, together with any further information relative to the case which he/she believes is important. If no meeting between the appointing authority and the employee is held, the appointing authority shall, nevertheless, after consideration of the employee's written answer, specify his/her intentions, together with such further information relative to the case which he/she believes is important.
4. Said written specification of intention by the appointing authority shall be submitted in three (3) copies to the Personnel Officer and the Personnel Officer shall forward one (1) copy to the employee.
5. Provided that settlement of the matter has not been made, the employee may, within five (5) work days of the receipt of the order of disciplinary action, request in writing a hearing of the matter by the Personnel Commission. Such request shall be filed with the Personnel Officer.

6. The Personnel Officer shall then transmit to the Personnel commission, within ten (10) working days, said employee's request together with copies of all the above-mentioned documents pertinent to the case and such other documents and information as may be requested by the Personnel Commission.
7. In the course of hearing the Commission shall cause the employee to appear before it said employee may be represented by a representative of his/her choice. The hearing may be conducted by an informal process to facilitate garnering of information and to expedite the entire process.

Within ten (10) days of the conclusion of the Personnel commission's hearing it shall certify its findings and final action shall be taken as provided in Section 2-257 of the Municipal Code.

8. The purpose of the hearing is to determine the accuracy and sufficiency of the facts attendant to the disciplinary action imposed. The appellant shall have the right to introduce evidence and call witnesses on their behalf. Any relevant evidence shall be permitted if it is the type responsible persons can rely on in the conduct of business. Irrelevant and repetitious evidence shall be excluded.
9. The burden of proof in disciplinary appeals is the preponderance of evidence.
10. All hearings are closed to the public unless otherwise specifically stipulated by the appellant.
11. Communication to the appellant shall be by certified registered mail.

D. Findings

The Personnel Commission may recommend to sustain or modify the disciplinary action taken when it appears in the record that there was a substantial violation or omission of procedure or where the specific evidence produced in the hearing warrants such recommendation.

E. Reimbursement for Loss of Pay

1. Reimbursement for loss of pay due to a disciplinary action which is subsequently revoked or modified shall be made to an employee. Said reimbursement pertains to and is confined to the period of time between the date of initial action and ending with the date of final decision above.

2. Where procedural steps are not followed, the employee is entitled to back pay from the time the discipline was imposed up to the time the administrative review process has been completed and a final decision made. Provided further, however, that loss of pay subsequent to the date of final decision may be made upon recommendation of the City Manager and approval of City Council.

RULE XV

GRIEVANCE AND COMPLAINT PROCEDURE

SEC. 15.1 ESTABLISHMENT

In accordance with Section 2-258 of the Municipal Code, these procedures are established in order to provide adequate opportunities for city employees to bring forth their views relating to any unfair or improper aspect of their employment situation and to seek correction thereof.

SEC. 15.2 SCOPE OF LIMITATIONS

The procedures set forth in this Section of this Rule shall apply to all employee grievances except where other methods have been specifically prescribed in the Personnel Ordinance and in these rules, such as in the matters of dismissal, demotion, and reduction.

SEC. 15.3 DEFINITIONS

- A. Complaint: An allegation or charge that the complaining employee has suffered a wrong as a result of management action or inaction.
- B. Complaint Procedure: The process by which a determination is made as to whether or not a wrong has been committed.
- C. Grievance: An expressed claim by an employee that the City has violated, misinterpreted, or misapplied an obligation to the employee as such obligation is expressed and written in the City Personnel Ordinance, Resolutions.
- D. Grievance Procedure: The process by which the validity of a grievance is determined.

SEC. 15.4 COMPLAINT PROCEDURE

Step 1. The employee shall discuss any complaint with his/her immediate supervisor. The supervisor is required to review every complaint and attempt to settle it as quickly and fairly as possible.

Step 2. If the action taken by his/her immediate supervisor is not satisfactory, the employee may take his/her complaint to successive levels of supervision as determined by the chart of administrative organization, up to and including the City Manager.

GRIEVANCE PROCEDURE

Step 1. The employee shall inform in writing his/her immediate supervisor of his/her grievance and relevant facts within seven (7) calendar days after the employee knew, or in the exercise of reasonable diligence should have known, of the events giving rise to the grievance. At least one conference shall be held between the employee and his/her immediate supervisor after, the employee has expressed his/her grievance. The supervisor shall advise the employee of his/her decision within fourteen (14) calendar days following notification of the grievance.

Step 2. In the event such efforts as are specified in Step 1 are not productive of a mutually satisfactory solution, the employee aggrieved shall fill out a City grievance form. The grievant shall set forth all the facts necessary to an understanding of the issues involved, and refrain from including any unrelated charges or language. The grievance shall include a citation of the sections of the City ordinances, resolutions, or rules alleged to have been violated and then remedy sought by the grievant. The grievance shall be signed by the grievant and submitted to the grievant's immediate supervisor. Within seven (7) calendar days of receipt of a grievance form, the supervisor shall inform the grievant of his/her decision.

Step 3. If the grievance is not satisfactorily resolved in Step 2, the grievant may, within seven (7) calendar days after receipt of his/her supervisor's response, submit the grievance to his/her department head. Such submittal shall be by written memo and include the original of the grievance form. After receipt of the grievance, the department head will meet with the grievant and make such investigation as is required. Within seven (7) calendar days of his/her meeting with the grievant, the department head shall return the original of the grievance form to the employee along with his/her written decision on the grievance.

Step 4. If the grievance is not satisfactorily resolved in Step 3, the grievant may, within seven (7) calendar days of receipt of the department head's decision, submit a grievance to the Personnel Officer for consideration by the Division Manager. Such submittal shall include the original of the grievance form, a written statement of any issues which are still in dispute, and the specific basis upon which the grievant takes issues with the position of his/her department head. The Division Manager or his/her designee shall take such review and investigative action he/she deems necessary and inform the grievant of his/her decision within fourteen (14) calendar days of receipt of the grievance.

Step 5. If the grievant is not satisfied with the Division Manager's decision, he/she may, by written notification to the Personnel Officer within seven (7) calendar days of receipt of the Division Manager's decision, request that the grievance be submitted to the Personnel Commission. The Personnel Officer shall submit said request, together with copies of all the pertinent forms, documents, and materials concerned, to the Personnel Commission. The Personnel Commission shall, at its discretion, hold such hearings as it requires and certify its findings as provided in Section 2-257 of the Municipal Code.

SEC. 15.6 **GENERAL PROVISIONS**

- A. No retribution or prejudice shall be suffered by employees making use of the grievance or complaint procedures by reason of such use.
- B. Forms for filing and processing grievances and other documents necessary under these procedures shall be prepared by the Personnel Officer and given appropriate distribution. All documents, communications and records dealing with the processing of grievances shall be filed separately from personnel files.
- C. Failure by management at any step of this procedure to communicate the decision of the grievance within specified time limits shall permit the grievant to proceed to the next step.
- D. The grievant shall be entitled to be present at all steps of the procedure.
- E. Failure at any step of this procedure to appeal a decision on a grievance within specified time limits shall be deemed acceptance of the decision rendered.
- F. The time limits specified at any step in this procedure may be extended by mutual written agreement.
- G. The original of the grievance form shall accompany all requests for institution of the first step the grievance procedure.
- H. A classified Maintenance Department employee shall be granted a reasonable amount of City time during the employee's work day to prepare for a grievance matter presentation. Such time off is subject to department head approval.
- I. Communication with grievant shall be processed by personal signed receipt of document, certified mail or registered mail.

RULE XVI

EMPLOYER/EMPLOYEE RELATIONS

SEC. 16.1 STATEMENT OF PURPOSE

The purpose of this section is to implement Chapter 10, Division 4, Title I of the Government Code of the State, Sections 3500 et. seq., by providing orderly procedures for the administration of employer-employee relations between the City and its employee organizations and for resolving disputes concerning wages, hours, and other terms and conditions of employment.

SEC. 16.2 EMPLOYEE RIGHTS

- A. Each City employee shall have the right to form, join, and participate in the activities of employee organizations of his/her own choosing for the purpose of representation on all matters of employer-employee relations. Each City employee shall also have the right to refuse to join or participate in the activities of employee organizations and shall have the right to represent himself/herself individually in his/her employment relations with the City.
- B. No person shall interfere with, intimidate, restrain, coerce or discriminate against any employee because of his/her exercise of any of these rights.

SEC. 16.3 RECOGNITION OF EMPLOYEE ORGANIZATIONS

Every employee organization that desires recognition shall initially and annually, and not later than thirty (30) days prior to the expiration of the previous year's recognition, file with the City Manager for transmission to the Personnel Commission a declaration signed by its authorized officers. In the absence of a prior recognition, a declaration shall be filed in July. Such declaration shall be signed by the authorized officers containing:

- A. The name and mailing address of the organization.
- B. The names and titles of its officers.
- C. The names of the representatives of the organization who are authorized to speak on behalf of its City members.

- D. A statement that the organization includes City employees who are members and who have designated the organization to represent them and specifies the total number of such employees.
- E. If applicable, a designation of the job classifications or titles of those employees in a proposed representation unit which the employee organization claims to be appropriate and the number of member employees therein. The organization shall request that the Personnel commission and the City Council recognize the employee organization as the majority representative of the employees in the unit claimed to be appropriate. The Personnel Commission may, subject to the approval of the City Manager and the City Council, order that an independent auditor be used and compensated by the City to determine from the records of the employee organization the actual number of employees included in the proposed representation unit who are members of the employee organization. If any employee organization desiring recognition denies the independent auditor access to its records, the Personnel Commission shall report to the City Manager and City Council the number of members of the organization whose dues are collected by payroll deduction. This number will then be considered the official membership in the employee organization until such time as the employee organization supplies the necessary information through the independent auditor.
- F. A statement whether the organization is a chapter, or local of, or affiliated with, aregional, state, national, or international organization, and if so, the name and address of each such affiliated organization. The statement shall also include the names of all other cities within the county in which the organization has been recognized for the purpose of representing employees of the City with respect to salaries, wages and working conditions.
- G. A statement that the organization has, as one of its primary purposes, representation of City employees in their employee relations with the City. Certified copies of the organization's constitution and by-laws or any other document which verify this purpose shall be included as a part of the declaration.
- H. A designation of those persons not exceeding two (2) in number and their addresses to whom notice sent by regular United States mail will be deemed sufficient notice to the organization for any purpose.
- I. A statement that the employee organization recognized that the provisions of Section 923 of the Labor Code are not applicable to City employees.

SEC. 16.4 EMPLOYEE ORGANIZATIONS - DETERMINATION OF APPROPRIATE UNIT

- A. The Personnel Commission, after reviewing the petition filed by an employee organization seeking formal recognition as majority representative, shall determine whether the proposed unit is an appropriate unit. The principal criterion in making this determination is whether there is a community of interest among such employees. The following factors, among others, are to be considered in making such determinations:

1. Which unit will assure employees the fullest freedom in the exercise of rights set forth under this article.
2. The history of employee relations:
 - a. in the unit;
 - b. among other employees of the City; and
 - c. in similar public employment.
3. The effect of the unit on the efficient operation of the City and sound employer-employee relations.
4. The extent to which employees have common skills, working conditions, job duties or similar educational requirements.
5. The effect on the existing classification structure of dividing a single classification among two (2) or more units.
6. No unit shall be established solely on the basis of the extent to which employees in the proposed unit have organized.

B. In the establishment of appropriate units:

1. Professional employees shall not be denied the right to be represented separately from non-professional employees; and
2. Supervisory, management or confidential employees shall not be included in the same unit with non-supervisory, non-management, or non-confidential employees for purpose of meeting employees on matters with the scope of representation.

SEC. 16.5 LIST OF RECOGNIZED ORGANIZATIONS

The City Clerk shall maintain a current list of recognized employee organizations. Recognition shall be effective for twelve (12) months following the date of official action by the City Council.

SEC. 16.6 CITY REPRESENTATIVES

- A. In addition to his/her other duties, it shall be the duty of the City Manager or designee to meet at reasonable times and confer in good faith with representatives of recognized employee organizations regarding wages, hours, and other terms and conditions of employment.

- B. Meetings with respect to wages, hours, and employee benefits constituting a part of compensation shall commence not later than one hundred fifty (150) days prior to the expiration of any memorandum of understanding. In the absence of a memorandum of understanding, such meetings shall commence not later than August first of the year.

SEC. 16.7 **REQUESTS FOR MEETINGS**

If the representatives of a recognized employee organization desire to meet with the City Manager, they shall make their request in writing and specify the matters to be discussed. Upon the receipt of the request, a mutually satisfactory time and place shall be arranged for the meeting. Only those matters specified in the notice may be discussed at the meeting. Other matters may be discussed by mutual consent of all of the representatives present.

SEC. 16.8 **MEMORANDUM OF UNDERSTANDING**

- A. If agreement is reached with respect to any matter considered at any meeting, the City Manager, with the assistance of the City Attorney, and the representatives of the recognized employee organization, shall jointly prepare a written memorandum of such understanding which shall not be binding and shall present it to the City council for determination.
- B. If agreement is not reached with respect to any matter, the representatives of the recognized employee organization may file with the City Council a written statement of the organization's position with reference to that matter. The City Manager may also file with the City Council a written statement of his/her position with reference to the matter. Before determining the issue, the City council shall fix a time and place to receive any additional pertinent information that may be orally presented to it.
- C. Before finally determining the matter, the City Council may, if requested to do so by the recognized employee organization concerned, re-refer the matter to the City Manager for mediation. An impartial mediator acceptable to the city Manager and the recognized employee organization shall be appointed to assist the parties in arriving at a voluntary resolution of the matters in dispute through interpretation, suggestion, and advice. All mediation-proceedings shall be private. The mediator shall make no public recommendations nor take any public position concerning the issue. The fees and expenses, if any, of the mediator shall be payable one-half (1/2) by the city and one-half (1/2) by the recognized employee organization. If the dispute is not resolved as a result of mediation, it shall be re-referred to the City Council for final determination.

SEC. 16.9 **MATTERS NOT SUBJECT TO CONFERENCE**

- A. The City Manager need not meet with the representatives of any recognized employee organization to consider:
 - 1. Issues of public policy.
 - 2. The merits, necessity, or organization of any department, service, or activity provided by the City pursuant to law or ordinance.
 - 3. Matters which relate to the management of the City or the direction of its work force, including the right to direct employees, to hire, promote, transfer, assign or retain employees, or suspend, demote, discharge, or take other proper disciplinary action against employees, maintain the efficiency of the operation of the City government and take any actions necessary to meet conditions of an emergency nature.
- B. The City Manager need not meet with the representatives of any recognized employee organization to consider the personal grievance of an individual employee or group of employees until the procedure for the resolution of grievances provided for in the Personnel Rules has been completed.

SEC. 16.10 **NOTICE OF PROPOSALS AFFECTING EMPLOYEES**

- A. Any proposed ordinance, rule or regulation relating to wages, hours, or other terms and conditions of employment may be submitted by the Personnel Officer to the City Council at any regular meeting. Except in cases of emergency, action on the proposal shall be automatically continued until the next regular meeting of the City. The City Clerk, in the case of proposals submitted to the City Council, shall mail notice of the submission of the proposal to each recognized employee organization whose City members are affected by it. The notice shall specify the time and place at which representatives of each such recognized employee organization shall have an opportunity to be heard with reference to the proposal before action is taken by the City Council. Commission included.
- B. In cases of emergency, when the City Council or the Personnel Commission determines that an ordinance, resolution, or rule must be acted-upon immediately without prior notice to those recognized employee organizations whose members are affected by it, notice of the action taken on the ordinance, resolution, or rule shall be mailed to each such recognized employee organization. The notice shall specify that the representatives of each such recognized employee organizations shall have an opportunity to be heard with reference to the ordinance, rule, or resolution at the next regular meeting of the City Council or Personnel Commission.

SEC. 16.11 **EMPLOYEE ACTIVITIES**

- A. Not more than three (3) City employees who have been designated as the representatives of a recognized employee organization shall be allowed a reasonable amount of time off without loss of compensation or other benefits for the purpose of attending a formal meeting with the City Manager if the meeting is scheduled to be held during working hours.

- B. No officer or employee holding a position exempt from the Civil Service System of the City shall represent any recognized employee organization in meeting and conferring with representatives of the City on any matters within the scope of representation.

SEC. 16.12 **RECOMMENDATION TO IMPROVE EMPLOYEE RELATIONS**

After consultation in good faith with representatives of affected recognized employee organizations, the City Manager may, from time to time, recommend to the City Council the adoption of such ordinances, rules, or regulations as may be necessary or desirable to facilitate the administration of employer-employee relations.

SEC. 16.13 **NO CONTRACT**

The provisions of this section shall not be construed to constitute a contract between the City and any employee or any recognized employee organization.

SEC. 16.14 **PERSONNEL SYSTEM UNAFFECTED**

Nothing in this section shall be deemed to supersede the provisions of Division 2 of Article IV or Division 3 of this Article or of the Rules and Regulations adopted pursuant thereto establishing and regulating the City's Personnel System.