

City of Lemoore

Personnel Guidelines



Effective Date: April 2020

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SECTION 10-1 PURPOSE AND DISCLAIMERS

I. PURPOSE:

- a. Purpose of Personnel Policies and Procedures
- b. Disclaimers
- c. Organization of Personnel Policies and Procedures

II. STATEMENT OF POLICY:

- a. General Purpose: These policies are enacted by the City of Lemoore in order to further the following goals:
 - i. To provide a uniform system of personnel administration throughout the City service.
 - ii. To ensure that recruitment, selection, placement, promotion, retention and separation of City employees are based upon employees' qualifications and fitness, and are in compliance with federal and state laws.
 - iii. To assist managers in the development of sound management practices and procedures, and to make effective consistent use of human resources throughout the City.
 - iv. To promote communication between directors, supervisors, and employees.
 - v. To ensure, protect and clarify the rights and responsibilities of employees.

III. SCOPE:

- a. These Personnel Policies and Procedures shall apply to all City employees except elected officials and independent contractors. In the event of conflict between these rules and any collective bargaining agreement (“CBA”), City ordinance, or state or federal law, the terms and conditions of that CBA rule or law shall prevail. In all other cases, these policies and procedures shall apply.

IV. In the event of the amendment of any ordinance, rule or law incorporated in this document or upon which these provisions rely, these rules shall be deemed amended in conformance with those changes.

V. The City Manager shall have the right to review and amend these rules at any time in order to accomplish efficient administration of the City.

VI. THE CITY SPECIFICALLY RESERVES THE RIGHT TO REPEAL, MODIFY OR AMEND THESE POLICIES AT ANY TIME, WITH OR WITHOUT NOTICE. NONE OF THESE PROVISIONS SHALL BE DEEMED TO CREATE A VESTED CONTRACTUAL RIGHT IN ANY EMPLOYEE NOR TO LIMIT THE POWER OF THE CITY MANAGER OR COUNCIL TO REPEAL OR MODIFY THESE RULES.

SECTION 10-2 EQUAL EMPLOYMENT OPPORTUNITY (EEO)/ AMERICANS WITH DISABILITIES ACT (ADA)

I. PURPOSE:

The City of Lemoore is an equal opportunity employer. The City of Lemoore shall comply with all relevant federal and state laws, to include rules and regulations put forth by the Equal Employment Opportunity Commission, (EEOC) and all relevant provisions of the Americans with Disabilities Act, (ADA).

II. STATEMENT OF POLICY:

The City of Lemoore ensures equal employment opportunity regardless of race, religion, color, creed, national origin, sex, sexual orientation, marital status, veteran/military status, political belief, age, or mental/physical disability, (as defined by the ADA), unless such disability effectively prevents the performance of the essential duties required of the position and which are bona fide occupational qualifications that cannot be accommodated without undue hardship to the City of Lemoore.

III. Applicants and employees shall not be discriminated based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment and the City of Lemoore will not acquire genetic information.

IV. If an employee believes that they have been subjected to discrimination and/or harassment, based upon any of these factors, they should immediately contact Human Resources for the City of Lemoore and pursue corrective action.

V. If the employee feels they need to resolve the problem by filing a grievance, they should pursue action through the Grievance Procedure stated within this manual.

VI. If the supervisor or department head is the person who is responsible for the harassment, or if the harassment has been reported to the supervisor or department head and no action has been taken, then it should be reported to Human Resources, the City Manager or the City Attorney's Office.

VII. If an applicant for a position with the City of Lemoore believes that they have been subject to discrimination, including harassment, based on the factors as noted above, they may contact Human Resources for the City of Lemoore and place such a complaint. Applicants are encouraged to place the complaint "in writing" noting why they believe discrimination or harassment has taken place. Human Resources will review the complaint along with the City Attorney's office.

SECTION 10-3 ADMINISTRATION OF EMPLOYEE PERSONNEL RECORDS

I. PURPOSE:

To establish procedures and responsibilities for the maintenance of employee Personnel Records.

II. STATEMENT OF POLICY:

- a. The City of Lemoore maintains records on every employee related to their employment with the City of Lemoore. The employee's personnel file will contain information such as employment application/resume or cover letter, personnel action forms, performance evaluations, training records, commendations and awards, disciplinary records, and resignation/termination records. Such information will be obtained from the employee or from others. Any information obtained for EEOC compliance (Form EEO-4) and/or any medical information will be kept in separate, confidential files and accessed only on a need-to-know basis as authorized by Human Resources, the City Manager and/or their designee so long as it does not violate any laws, regulations or policies set forth in this manual.
- b. Personnel files are confidential and only accessible to others on a need-to-know basis for personnel action. Upon request to Human Resources, the employee may inspect and make copies of their personnel records in the presence of a member of Human Resources and/or the City Manager, or designee.

SECTION 10-4 UNION RIGHTS

I. PURPOSE:

To establish a policy for union rights and procedures for union activities.

II. STATEMENT OF POLICY:

- a. The City recognizes the following unions as the exclusive bargaining representatives for the designated employees of the following bargaining units:
 - i. General Association of Service Employees (GASE)
 - ii. Lemoore Police Officers Association (POA)
 - iii. Lemoore Police Sergeants Bargaining Unit (PSBU)
 - iv. Lemoore Police Professional Services Bargaining Unit (PPSBU)

- III. All City employees have a right to belong to an appropriate bargaining unit unless they are exempt as defined by law, identified as a confidential (non-exempt, unrepresented) employee, or excluded by CBA. Additional conditions of membership are described in each CBA.
- IV. Each bargaining unit separately negotiates contracts for its employees with the City. Wages, benefits and conditions of employment of union employees will be provided as specified in the respective CBA. Employees are not granted time off with pay to perform union activities unless specifically provided for in the CBA. City equipment and facilities are not to be used for union activity unless specifically provided for in the CBA, unless approved by the City Manager on a case-by-case basis.

SECTION 20-1 HARASSMENT

I. PURPOSE:

To provide a working environment where employees will be employed, promoted and disciplined on the basis of merit and free from harassment.

II. STATEMENT OF POLICY:

- a. It is the policy of the City of Lemoore that harassment will not be tolerated. Employees are expected to act in a professional, cooperative and respectful manner to all contacts, despite differences.
- b. **Harassment** is unwarranted and unwanted verbal or nonverbal conduct which threatens, intimidates, or insults another person, where such conduct has the purpose or effect of creating an offensive, intimidating, degrading, or hostile environment, or interferes with or adversely affects a person's work performance.
- c. **Sexual harassment** may include, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical advances of a sexual nature. The following actions are strictly prohibited:
 - i. Occasions when such conduct, either explicitly or implicitly, is a term or condition of employment.
 - ii. Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individuals.
 - iii. Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
 - iv. Examples of sexual harassment includes **Verbal Harassment** (sexually explicit jokes, comments, innuendoes, etc.), **Physical Harassment** (unwelcome patting, hugging, pinching, grabbing, assault, etc.), **Power Plays** (using position of authority to coerce sexual favors or sexually harassing conduct), or **Non-verbal/Mental Harassment** (sexually explicit or suggestive posters, unwelcome repeated requests for dates, gesturing, etc.). "Sexually suggestive" is defined as any depiction of "a person of either sex who is not fully clothed and/or who is posed for the obvious purpose of displaying or drawing attention to private portions of his or her body."

- d. **Hostile Working Conditions** includes behaviors that are inappropriate and unacceptable in the workplace. Inappropriate and Unacceptable Behavior is bad behavior that goes beyond incivility and meets the legal definition of Hostile Work Environment (HWE). Examples of Inappropriate and Unacceptable Behavior that may create Hostile Working Conditions:
- i. Demeaning, harassing, belittling others; name-calling
 - ii. Emotional tirades, tantrums, and displays of anger
 - iii. Humiliating, intimidating, threatening others
 - iv. Gossiping, spreading rumors about and damaging a co-worker's reputation
 - v. Swearing or using obscene language in public places without regard to the reactions of others
- e. **Hostile Working Environment** is offensive behavior that is:
- i. Objectively intimidating, threatening, abusive, humiliating and behavior that is either very severe or is repeated frequently and / or is pervasive
 - ii. Significantly alters the working conditions and unreasonably interferes with work performance
 - iii. Affects a term or condition of employment and / or causes harm.
 - iv. Directed at the person's gender, race, color, age, religion, national origin, or disability and all other protected classes as defined by federal and/or state law.
- f. Any employee who perceives a conversation or event as harassment, whether the employee is involved or merely observed, should explain to the offender in a calm but firm manner that the action is perceived as inappropriate and that the employee wishes the behavior to stop. Should the harassment continue, the employee is encouraged to report the activity to their supervisor, Human Resources, the City Manager and/or their designee, or in the event these individuals are involved; to a member of the City Attorney's Office.
- g. The harassment allegation will be promptly investigated with due regard for confidentiality by Human Resources, the City Manager and/or their designee, or the City Attorney's Office. The results of the investigation will be communicated to the complainant and the offender.
- h. Either the offended employee or the offender may appeal the decision through the normal grievance procedures if either submits a written statement concluding the findings were incorrect or the disciplinary action inappropriate. City of Lemoore will not tolerate retaliation against an employee who makes a good faith report of alleged sexual harassment or participates in a sexual harassment investigation. A follow-up review will be completed within 6 months or earlier, after harassment allegations have been confirmed to ensure the sexual harassment has discontinued and all parties involved are not subjected to retaliatory behaviors.
- i. Harassment does not include the conduct or actions of supervisors intended to provide employee discipline, such as deficiency notices, performance evaluations, oral warnings, reprimands or other supervisory actions intended to promote positive performance.

III. DISCIPLINARY ACTION:

An employee who harasses another employee or member of the public may be subject to the full range of disciplinary action, including discharge.

SECTION 20-2 SCHEDULING DAYS/HOURS OF WORK

I. PURPOSE:

To establish a policy setting uniform days/hours of work for employees.

II. STATEMENT OF POLICY:

- a. This section establishes guidelines for supervisors in scheduling the days and times employees are to be at their jobs in order to meet the needs of the City and to assure compliance with the Fair Labor Standards Act (FLSA) and appropriate state laws and regulations.
- b. Except as otherwise provided by CBA, the normal work week shall consist of 40 working hours in a seven day period commencing on Monday at 12:00 a.m. and continuing to Sunday at 11:59 p.m.
- c. Except as otherwise provided by CBA, the normal work day is eight hours, with an unpaid lunch period of one-half to one hour. Employees are expected to be at their work locations and ready to begin work at the beginning of their work schedule. Depending on the nature of the job, some lunch periods may be scheduled to allow for continuous staffing of offices. It may be necessary for some departments to have 24-hour coverage in the unit, making it necessary to schedule longer shifts.
- d. Department heads will establish days and hours, with exception for the preceding, for each employee under his/her supervision with the approval of the City Manager.
- e. The standardization of working hours is necessary to provide:
 - i. Continuity in access by and service to the resident's citizenry.
 - ii. Facilitation of teamwork.
 - iii. Facilitation of supervisory assistance.

III. Individual requests for adjustment of working hours for personal reasons must be evaluated in light of the effect on the criteria enumerated in items i-iii above.

IV. Advance notice of anticipated tardiness is expected; notice of unavoidable tardiness is expected when possible. Failure to do so will be construed as an unexcused absence and subject to disciplinary action. At the discretion of the department head, tardiness may be made up during the week in which it occurs.

V. Notification by another employee, friend or relative is not considered proper except in any emergency situation where the employee is physically unable to make the notification.

- VI. Daily attendance records will be maintained by each department; including date and time absent and reason for absence. Attendance may be considered in determining promotions, transfers, satisfactory completion of probationary or trial periods, and continued employment with the City.
- VII. Frequent tardiness or other attendance irregularities shall be cause for disciplinary action, up to and including, termination.
- VIII. Hours for part-time and certain employees may vary from the normal office hours noted above due to the nature of their duties and will be determined by the appropriate department head, with concurrence of the City Manager.

SECTION 20-3 OVERTIME/COMPENSATORY TIME

I. PURPOSE:

To provide for overtime/compensatory time compensation for employees working in excess of forty hours per week.

II. POLICY:

- a. Only employees considered "non-exempt" by the Fair Labor Standards Act ("FLSA") are paid 1-1/2 times their "regular rate" for actual hours worked in excess of 40 hours in any workweek. Workweek begins at 12:00 a.m. on Monday and ends at 11:59 p.m. on Sunday.
- b. Overtime is based on actual hours worked and vacation leave hours. Time off for sick leave, compensation time, other leaves, or leave of absence will not be considered hours worked for the purposes of overtime calculations.
 - i. All overtime must receive prior approval from the supervisor. Employees who continually work overtime without receiving prior authorization from their Department Head may be subject to disciplinary action, up to and including termination.
 - ii. If a "non-exempt" employee desires compensatory time instead of overtime pay, he/she must request it in writing on their time card.
 - iii. Supervisors must not accept voluntary overtime from "non-exempt" employees without paying overtime or granting compensatory time. In other words, if a supervisor is aware that a "non-exempt" employee is voluntarily working overtime, the supervisor must direct the employee to stop working or be willing to authorize the overtime.
 - iv. A "non-exempt" employee who is requested to work over 40 hours in a week must be paid 1-1/2 times his/her regular rate, unless otherwise specified in a CBA. Compensatory time will be allowed at the rate of 1-1/2 hours for each hour worked. The CBA will be followed for union employees working on Sundays, etc.
 - v. All records of compensatory time worked, compensatory time taken and overtime worked by "non-exempt" employees must be included on the timecard for the period the hours were worked or taken off.

- vi. Compensatory time may be accrued or taken at the discretion of the City. Employees may accumulate up to 90 hours of compensatory time, unless otherwise specified in a CBA.
- vii. Supervisors may require that compensatory time be taken at a time so as not to disrupt the operation of the unit. Supervisors may require employees to take overtime in lieu of compensatory when over the maximum hours. Compensatory time will be paid if a balance exists at the time an employee terminates or promotes, subject to the City Manager's approval.

III. LIMITATIONS:

- a. This policy shall not apply to employees whose CBA provides for a different work period.
- b. This policy does not apply to executive, professional, administrative, and all other employees who are exempt from the FLSA, unless otherwise provided by CBA.
- c. The Human Resources Department reviews what an employee does and compares the duties and responsibilities to the test provided by the FLSA and California Wage and Hour Laws.

IV. HOLIDAYS AND OVERTIME ON HOLIDAYS:

- a. Holiday Pay for Holiday Worked:
 - i. A holiday is defined as being any eight (8) hour period of scheduled work time identified by city policy. When an employee is ordered to work on a city-recognized holiday, he/she will be paid straight time for all the hours worked. In addition, straight time will be paid for eight hours to cover the normal day which has been identified as a holiday.
- b. Scheduled Holidays for Employees on Shifts Longer Than 8 Hours:
 - i. For those employees who are on a shift which is longer than eight hours, holiday time will only be paid for eight hours. The hours over eight are accounted for by either working or taking vacation leave.
- c. Part-time, Seasonal and Temporary employee's hours will be pro-rated.
- d. An employee will be allowed to take a holiday or another day if the holiday falls on an employee's regular day off. Scheduling of this day will be subject to the approval of their supervisor.
- e. Holiday Worked (Shifts Scheduled Over 8 Hours):
 - i. Employees who are scheduled to work on a city-recognized holiday and are assigned to a shift longer than 8 hours will be entitled to holiday pay of 8 hours, as set forth above. Thereafter it shall be at the rate of 1-1/2 times their regular rate for the remaining hours of the shift.

V. OVERTIME TRAVEL:

- a. Each overtime travel situation will be evaluated to determine if it is compensable. Basically, if travel is considered "work" in the interpretation of the FLSA, it is compensable. Review the City's Trip and Travel Policy for frequently asked questions. Completion of the necessary form is required for reimbursement.

SECTION 20-4 NEPOTISM

I. PURPOSE:

To establish policy for the employment of immediate relatives in order to assure the reality and appearance of fairness in the best interest of the City.

II. STATEMENT OF POLICY:

Relatives and significant others shall not maintain a regular reporting relationship to one another in the direct chain of departmental command. If such a relationship is created, one of the parties must elect to transfer to or be selected for a vacant position for which they are qualified where there is no chain of command reporting relationship. As an alternative, the parties may elect to discontinue the relationship, or one or both parties may elect to resign or retire. Failure to discontinue the relationship, resign, retire, transfer to, or be selected for another position within 90 days shall result in separation of the supervisory employee from service.

It shall be the responsibility of the supervisory employee to immediately notify his or her Department Director and the Human Resources Director of any such relationships. Where organizational necessity (department size, etc.) makes it unreasonable to enforce this Nepotism provision, the City Manager may waive the Nepotism requirement with a written statement justifying the waiver.

III. DEFINITIONS:

- a. "Relatives" for the purpose of this section shall include a parent, spouse, child, grandparent, brother or sister, whether related by blood or marriage.
- b. "Significant others" for purposes of this section shall include individuals with a relationship that may compromise the chain of command or the public trust, such as a legal guardian, dependent, or life partner.

SECTION 20-5 PROBATION & TRIAL PERIOD

I. PURPOSE:

To establish policy and procedure for the probation & trial period for new employees and current employees who transfer to a new position.

II. STATEMENT OF POLICY:

- a. All newly hired employees must serve a period of initial probation. All employees serve an initial probation of one (1) year.
- b. The initial probation period is designed to give the employee time to learn the position and to give the supervisor time to evaluate the employee's potential and performance.
- c. Probationary employees will be formally evaluated at six (6) months and twelve (12) months of employment. An employee is only eligible for a merit increase upon successful completion of the initial probationary period, at one (1) year, and at such time they are considered regular employee. No merit increase is provided at the six (6) month evaluation. All merit increases are subject to City Manager approval.
- d. At the end of the initial probation period, the employee is formally evaluated and provided written documentation of progress. Other evaluations, as noted above, will be conducted during the course of the probation period to assess performance and to advise employees of expectations regarding performance. Significant job deficiency(ies) shall be documented in the employee's personnel file. These evaluations provide the necessary justification for retention of the person as a regular employee
- e. During the established initial probationary period, the City reserves the right to terminate the probationary employee's service with or without cause, provided, however, the employer shall not discharge or otherwise discipline an employee for protected union activity, public policy or written policies.
- f. Rejected probationers shall be notified of such action in writing by the department head at any time during the initial probationary period and a copy of said notification shall be retained in the personnel files.
- g. Under unusual circumstances, the initial probationary period may be extended, but shall not exceed twelve (12) months. This is only after an evaluation of the situation, the employee's abilities, and demonstrated potential. Probation extension is done only upon recommendation of the Supervisor, Department Head, Human Resources and the City Manager.
- h. If the employee successfully completes the initial probation period, he/she shall be informed that he/she is now a regular employee. This will be accomplished by Human Resources with the approval of the appropriate department head via the Personnel Action Form.
- i. Employees who have successfully completed their initial probationary period and who are transferred, promoted/demoted to a new position must serve a minimum of thirty (30) days trial period in the new position. The length of this trial period, which will be established by the Director of the respective department with approval of the City Manager, will be based on the requirements/duties of the job.
- j. If a transferred, promoted or demoted employee, who is not on their initial probation, fails to achieve satisfactory performance in the new position during the trial period and their

performance in the previous position was satisfactory; he or she may be allowed to return to the position of which they left, if a current vacancy exists. After the completion of the trial period the employee will be given priority for the first position opening similar to the one previously held if the employee's performance in the previous position was satisfactory. If an employee had not performed satisfactorily in the previous position, termination from City employment will be considered.

- k. If an emergency arises during an employee's probationary period/trial period which requires a leave of absence, such time off, if granted will not be considered as time worked.

SECTION 20-6 RE-EMPLOYMENT

I. PURPOSE:

To establish a policy for re-employment.

II. STATEMENT OF POLICY:

- a. Any former regular employee who resigned or has been laid off from the City in good standing is eligible for re-employment within one (1) year.
- b. An individual re-employed in his/her former position may be paid at the same pay step at the time he/she left the City, provided however, that the re-employment is within 1 year of the previous resignation.
- c. The compensation of an employee re-hired to a position other than the former position will be subject to provisions for new hires.
- d. Reinstatement in the retirement system will be made in accordance with the rules and regulations as set by the State Retirement system.
- e. The date of hire will take the person's previous service with the City into account, however, future step increases will coincide with the re-employment date.
- f. The individual's previous personnel file will be re-activated once re-employed by the City provided re-employment is within seven years after the original resignation.
- g. All individuals re-employed by the City must complete a new probationary period.

SECTION 20-7 EMPLOYEE IN-PROCESSING/ORIENTATION

I. PURPOSE:

To establish a policy and procedure for processing new City employees.

II. STATEMENT OF POLICY:

All new regular full-time and regular part-time employees of the City will be scheduled to meet with Human Resources on their first day of work for general orientation.

- III. Human Resources will distribute and explain the various enrollment forms, etc. that must be filled out.
- IV. Each new employee will be provided with information on employee benefits, City policies and operations.
- V. The hiring department provides additional information to the new employee, including:
 - a. Work standards and regulations
 - b. Hours of work, time cards or reports, leave requests
 - c. Duties of the position
 - d. Safety rules and procedures, location of safety or protective equipment
 - e. Tour of the work area, including location of equipment, supplies, etc.
 - f. Introduction to co-workers
 - g. Schedule for lunch and breaks
 - h. When and to whom to report absence from work
 - i. Who is responsible for performance planning and review
 - j. American with Disabilities (ADA) Policy
 - k. Harassment Policy
 - l. Grievance Policy
 - m. Probationary & Trial Period Policy
 - n. Family Medical Leave Act (FMLA) Policy
 - o. Education specific to the equipment and tasks required of the position.

SECTION 20-8 HIRING PROCESS

I. PURPOSE:

To establish a policy and procedure for all phases of the hiring process.

II. STATEMENT OF POLICY:

- a. Human Resources will administer and coordinate the hiring process for all position vacancies.
- b. The following procedures will be adhered to by all departments in announcing position vacancies. In cases where these procedures contradict existing CBA, the applicable provisions of the CBA shall prevail, unless otherwise prohibited by law.

III. RECRUITMENT:

- a. Human Resources will be notified immediately of all position vacancies.
- b. The affected department may be asked to assist Human Resources, as necessary, in formulating the job announcement, ads, and in determining special applicant sources.

- c. Human Resources will distribute to City departments copies of the job announcement for posting for a minimum of five (5) business days.
- d. The City does not, under normal circumstances, use the services of any private employment agency, either employer or employee paid.
- e. Applications shall be submitted to Human Resources via NeoGov by the recruitment closing date and time as directed by Human Resources. No paper applications will be accepted unless otherwise required by law.
- f. If an applicant wishes to be considered for more than one position for which he/she may be qualified, separate applications or resumes must be submitted for each position.
- g. Applications will not be accepted unless a specific job posting exists.
- h. In-house candidates interested in applying for another position within the City should follow procedures as outlined in the policies on TRANSFERS or PROMOTIONS.
- i. Previous applicants, who were interviewed, considered, yet not offered that position with the City in the past six months (180 days) are placed on a position Eligibility List. If a new vacancy occurs in the same position, it may be offered without posting and re-advertising the position.
- j. Applicants may be disqualified for consideration for employment when any of the following facts exist including, but not limited to:
 - i. They do not possess the qualifications for the job.
 - ii. They have demonstrated an unsatisfactory employment record or personal record as evidenced by information contained on the application form or by the results of a reference check.
 - iii. They have made false statements of any material facts or practiced deception in their application.
 - iv. The applicant is not within the legal age limits prescribed by law.
 - v. Poor driving record if position requires operating city vehicles.
 - vi. Unauthorized to work in the United States.
 - vii. Previously terminated from City employment with cause.
- k. When a vacancy occurs due to City of Lemoore operational reorganization, the City Manager, or designee, may fill the vacation position by appointment of a regular, full-time employee, who meets the minimum qualifications for the position vacancy.

IV. EXAMINATIONS:

- a. Human Resources shall administer, delegate or contract with any competent agency or individual for the preparation and/or administration of examinations.
- b. Examinations may be developed for certain positions based on the position's responsibilities, the qualifications required, and resources available.
- c. The examination may consist of an application review, oral interview, a structured questionnaire, practical tests, written tests, in-basket exercise or assessment center, etc. In all cases, the testing will be job related and designed to determine the candidate's knowledge, skills and abilities for the position.
- d. Examination contents are confidential and unauthorized disclosure to any candidate is grounds for discipline.
- e. Human Resources shall ensure that all testing is based on bona fide occupational qualifications.
- f. Promotional recruitments are limited recruitments. Applicants must be currently employed with the City in a regular or probationary status. Temporary and Part-Time employees, or those working for the City through an authorized temporary agency, who have been employed on a continuous basis for a minimum of six (6) consecutive months preceding the final filing date are eligible to apply.
- g. Open-competitive examinations may be administered periodically for a single classification as the needs of the service require. Names shall be placed on the Eligibility List.
- h. When employees of the City are candidates for examinations administered by the City, the employees shall be granted necessary time off from their normal duties to take such examinations. Time off granted for examination purposes shall be with pay for probationary or regular status employees. Employees participating in examinations while off duty are not paid for attendance.
- i. Any candidate who receives or gives unauthorized assistance designed to aid a candidate in the examination process will be disqualified from the examination and may be barred from future examinations. Examination material shall not be removed by applicants from the examination area. Photo identification with a signature may be used as a positive means of identifying applicants.
- j. Scoring Examinations and Qualifying Scores – A candidate's performance in a given examination shall be scored on each competitive part of the examination, weighted in a non-discriminatory manner as identified in the examination announcement if applicable.
- k. Veterans Preference Points – In any open complete examination a veteran shall be allowed an additional credit on the eligibility list after having attained the passing mark(s) established for the examination. Veterans Preference Points will not be given for positions recruited through a promotional process.

- i. “Veteran” shall mean an individual who has served on active-duty in the United States Armed Forces for a period of at least 91 continuous days and who has received an honorable discharge from active duty.
- ii. Military veterans shall be given “preference in initial appointment to City service”, in accordance with this policy. “Veteran’s Preference” is only applicable on initial entrance into City service. The exercise of said veteran’s preference shall be exhausted upon appointment to a regular position from an eligible list. The application of veteran’s preference on any other recruitment shall not apply.
- iii. Qualifying applicants shall be eligible to receive an additional five points which will be added to their final cumulative examination score. The passing score of a qualified veteran shall be annotated to indicate that the score should be increased by five points solely for the purpose of determining their ranking position in the eligibility listing.
- iv. Veterans who are in the process of separation from military service may file a written statement showing anticipated date of discharge and certifying that the discharge is for honorable reasons. Such statements must be filed no later than the final filing date for the recruitment. The veteran being discharged shall be entitled to Veteran’s Preference pursuant to this rule only if a certified copy of form DD-214, or other entitled satisfactory proof of discharge, is filed with Human Resources prior to the date of certification for appointment. If such proof is not filed before the certification date, the veteran’s position on the eligible list for certification purposes shall be determined on the basis of their raw scores on the examination without the additional points.
- v. Veteran’s documents submitted after the certification date will not be accepted.
- vi. Claiming Veteran’s Preference – To claim veteran’s preference, a veteran must fill out and submit the Veteran’s Preference application form, along with a certified copy of their most recent form (DD-214), or equivalent document acceptable to Human Resources, as evidence of military service, on or before the final date of the recruitment. Veteran’s Preference must be established separately for each recruitment. Failure to request Veteran’s Preference on the application or submit the required credentials (DD-214) prior to the final filing date for the recruitment will be deemed a waiver of Veteran’s Preference.

V. EMPLOYMENT LISTS:

- a. Human Resources will identify applicants who meet the minimum qualification requirements specified on the job posting and will create an eligibility list based on these criteria. Human Resources will select from the eligibility list for vacant positions. Eligibility lists may be used for vacancies in other departments. Eligibility lists will be effective for six (6) months with the option to extend for an additional six (6) months with City Manager, or designee, approval. More than one (1) eligibility list may not exist for a particular position.

VI. INTERVIEW PROCESS:

- a. The employment interview is a supplement to and part of the selection process. The primary function of the interview is to obtain data or certain knowledge, skills, and abilities of a candidate not available through review of resumes' or other testing mechanisms. Certain guidelines will be observed to maximize the validity and reliability of the interview process as well as ensure the adherence to current EEOC requirements.
- b. Human Resources shall coordinate the interview process, including selection of panel members, scheduling candidates, development of interview questions, etc.
- c. Generally no more than five (5) individuals will serve on the interview panel. Relatives or personal friends of the applicants will be excluded from serving on the panel.
- d. Human Resources, in conjunction with the department head of the department in which the position vacancy exists (the City Manager in vacancies involving department head openings), shall be responsible for the development of interview questions and standards for measurement of candidate responses.
- e. Following the interview, the interview panel shall return interview rating sheets to Human Resources for processing. The top five (5) candidates will be referred to the Department Director for a follow-up interview. In the case of multiple vacancies for the same position, the top five (5) candidates, plus one (1) candidate for each additional vacancy shall be referred to the Department Director for a follow-up interview.
- f. In the event that fewer than five (5) candidates qualify for the follow-up interview, all qualified candidates shall referred to the Department Head.
- g. Human Resources shall coordinate the follow-up interview process with the Department Director with the top five (5) candidates.
- h. Following the follow-up interview, the Department Director shall return the interview rating sheet to Human Resources. The top candidate will be offered the position.

VII. APPLICANT NOTIFICATION OF CONDITIONAL OFFER OF EMPLOYMENT:

- a. For all positions, a conditional offer of employment letter is forwarded to the final accepting candidate outlining the terms of employment. The letter is prepared and mailed by Human Resources in cooperation with the affected department.

VIII. REFERENCE AND BACKGROUND CHECK:

- a. References supplied by applicants will be checked, including verification of job-related education, work experience and professional certifications after offering a position to a candidate. A criminal history check, credit check, drug screen if legally applicable, and motor vehicle records check will be conducted when necessary on all new hires. The check also includes verification of employment duties, dates of employment, work record, attendance record, strengths, weaknesses, safety record, and other pertinent information.

Parts of the reference check may be delegated to the affected department.

- b. Human Resources shall require a person seeking employment by the City to be fingerprinted prior to beginning employment. All records shall be maintained per the California Department of Justice requirements.
- c. No reference check or background investigation will be conducted without first notifying and receiving permission from the applicant.

Note: Failure of applicant to give permission will result in disqualification from consideration for the position.

- d. Results of the reference check and/or background check will help determine the applicant's fitness for the position.

VIII. NOTIFICATION OF HIRE:

- a. Future employee shall be notified in writing that he/she is being formally offered a position with the City of Lemoore.
- b. Notification shall include the start date, which shall be the beginning of a pay period, unless waived by the City Manager, or designee.
- c. A new employee shall be assigned at the first step of the salary range to classification he/she has been assigned. The City Manager may authorize hiring at a higher step when, in his/her sole discretion, exceptional circumstances warrant appointment at a higher step.
- d. Accepting employment with the City, or accepting any subsequent salary changes, shall serve as acknowledgement by employees that the City has the right to implement, revise or rescind the conditions of employment, including policies, rules and standards.

IX. APPLICANT EXPENSES:

- a. Unless approved by the City Council and City Manager, the City does not reimburse any applicant for travel costs in conjunction with the hiring process.
- b. Relocation costs are paid in full by the employee unless otherwise approved by the City Council and City Manager.
- c. The applicant should be advised of Items a. and b. above before reporting for the interview.

SECTION 20-9 EMPLOYEE TERMINATION AND EXIT PROCESS

I. PURPOSE:

To establish procedure for employee termination with the City by service or disability retirement, resignation, discharge, probation period termination, or layoff. The procedures are designed to provide the least disruption and inconvenience to the employee and the City.

II. STATEMENT OF POLICY:

a. Definitions:

- i. Resignation: Resignation is a termination action which is initiated by the employee.
- ii. Retirement: Retirement is a termination action which is initiated by an employee who meets the basic eligibility requirements of his/her appropriate retirement system.
- iii. Discharge: Discharge is a termination action which is a result of employee misconduct.
- iv. Reduction-in-Force: Reduction-in-force is a termination action which is a result of insufficient funds or other business reasons and is not a disciplinary action.
- v. Employees who are voluntarily resigning from the City of Lemoore are requested to give a written notice with a minimum of two weeks. Employees will be provided their final paycheck on the next regularly scheduled pay period following their last day of employment.

**SECTION 20-10 EMPLOYEE REDUCTION-IN-FORCE (RIF) OR
REDUCTION IN FULL-TIME EQUALIVENT (FTE)
STATUS**

I. PURPOSE:

To establish procedure for the abolishment of any positions of employment and/or reduction in scheduled working hours, whenever, in the best judgement of the City Manager, it becomes necessary in order to effectively manage and operate the City of Lemoore. This shall include, but not be limited to, situations which arise due to budgetary constraints.

II. STATEMENT OF POLICY:

- a. The City Manager has the authority to determine if the City of Lemoore's workload, funding or other business decisions are such that reduction-in-force or reduction in hours for specific positions are required. Whenever possible, employees will be provided at least two (2) weeks advance notification before the RIF or reduction in hours are to take effect.
- b. Employees who are subject to a reduction in hours are not eligible to bump to other positions, except where there may be a City funded position which is vacant, and the employee meets the minimum qualifications.
- c. Regular employees will not be terminated if probationary, temporary or short-term workers are employed in the same work classification.
- d. An employee affected by a RIF shall have the right to displace an employee in the same

department, who has less seniority in the same classification, or a lower classification, as long as the employee who has been laid off meets the minimum qualifications of the new position. The laid off employee must notify Human Resources of their desire to exercise their displacement rights within five (5) calendar days of the notification of layoff.

- e. For the purpose of this section, seniority includes all periods of full-time service at or above the classification level where layoff is to occur excluding service prior to a resignation and subsequent reinstatement. When employees have equal seniority, ties shall be broken by a decision of the City Manager.
- f. The displaced employee shall have the right to bump to a position in a classification in which he or she has prior regular status, as long as the displaced employee has more seniority than the person whom they will bump, and the displaced employee meets the minimum qualifications for the position that is next in line to be bumped.
- g. Executive employees who are subject to RIFs shall not have the right to displace another employee.
- h. Employees subject to a RIF are eligible for recall. A recall will occur if the position for which the City eliminated, or unfunded, becomes available following the RIF. Recall will occur in order of seniority at the time of the RIF.
- i. Human Resources will ensure relevant benefits information is forwarded to the employee at the last known address.
- j. Employees must keep the City of Lemoore informed of the address and telephone number where they can be contacted in the event of a recall. If the City of Lemoore is unable to contact an employee within seven (7) business days of the recall, the employee will be eliminated from the recall list and the City of Lemoore will have no further obligation to recall that employee.
- k. The City of Lemoore will have no obligation to recall the effected employee if they have been on a continual layoff for a period of one (1) year.
- l. Upon request, employees terminated by the City of Lemoore will have a letter issued stating the reason and the effective date of the termination. Employees who are on their initial probation may be discharged with or without cause that the City of Lemoore deems appropriate within the twelve (12) month probationary period.
- m. The City of Lemoore will follow the procedure outlined in the Employee Discipline section to terminate a non-probationary employee. An employee terminated for cause does not retain his/her job or benefits pending any grievance appeal, but if he/she wins the grievance, such salary and benefits may be restored retroactively.

SECTION 20-11 WORKPLACE VIOLENCE

I. PURPOSE:

- a. To grant our staff a friendly, courteous and impartial work environment.

II. DEFINITION:

Workplace violence is an act of aggression, physical assault, or threatening behavior that occurs in a work setting and causes physical or emotional harm to customers, coworkers, or managers.

III. STATEMENT OF POLICY:

- a. The City of Lemoore is committed to providing our staff a friendly, courteous and impartial work environment. The City of Lemoore acknowledges that human relationships are subject to conflict and that some employees may be exposed to violence by the nature of their jobs. The City of Lemoore is committed to maintaining a safe, healthful and efficient work environment in which acts of violence by employees or citizens will not be tolerated.
- b. The City of Lemoore will strive to provide a safe and secure work environment. Employees should avoid or minimize potentially violent situations to protect themselves from harm. If an employee anticipates a particularly confrontational situation, they should notify their supervisor, the City Manager, Human Resources and/or their designee so that additional security can be arranged. When a situation begins amicably but turns hostile, employees should try to de-escalate the situation. If de-escalation tactics don't work, they should withdraw from the situation. Force should not be used unless it is absolutely necessary for self-defense.
- c. Threats or acts of violence experienced or witnessed should be reported to the employee's supervisor or the City Manager, Human Resources and/or their designee as soon as possible. The City of Lemoore will promptly investigate any complaint received that pertains to workplace violence. The City of Lemoore will take appropriate, prompt actions against any employee who engages in any threatening or intimidating behavior or acts of violence or who uses any obscene, abusive, or threatening language or gestures.
- d. This policy prohibits employees from bringing unauthorized firearms or other weapons (including pepper spray, stun guns, batons, etc.) onto City of Lemoore premises. Employees are also prohibited from carrying unauthorized firearms or other weapons in City of Lemoore vehicles or in personal vehicles if conducting City of Lemoore business.
- e. If a City of Lemoore employee has violated this policy, such action may warrant disciplinary action, up to and including termination. If necessary or appropriate, the City of Lemoore will notify the necessary law enforcement personnel and prosecute violators of this policy.
- f. If there is fear that domestic violence could result in workplace violence, employees should notify their supervisor or the City Manager, Human Resources and/or their designee immediately so appropriate security measures can be arranged.

SECTION 30-1 TYPES OF EMPLOYMENT AND ELIGIBILITY FOR BENEFITS

I. PURPOSE:

To establish guidelines and definitions for types of employment and for entitlement to benefits.

II. STATEMENT OF POLICY:

a. The types of City employment are:

- i. **Probationary Employee:** A newly hired employee during the initial period of employment. All newly hired City employees are on a probationary status which, unless provided otherwise in a union agreement or other document, extends for one (1) year, from the date of hire. Probationary periods may be extended under special circumstances.
- ii. **Regular Full-Time Employee:** An employee who has successfully completed the initial probationary period, is assigned to a position which is expected to continue for an indefinite duration, and works a shift schedule which totals no less than 2080 hours per year.
- iii. **Part-Time Employee:** An employee who is regularly scheduled to work in a single position less than 40 hours per week. All Part-Time Employees of the City are At-will Employees.
- iv. **Student Intern Employee:** An employee who is regularly enrolled as a student in a recognized educational institution and is assigned to a full or part-time position which, in the case of post-secondary students, is related to the student's course of study and which will continue for not longer than the then current semester or term at the student's school; provided, however, that subsequent work assignments may be made for the same student for periods which correspond to the student's subsequent semester or term.
- v. **Temporary Employee:** An individual employed through a contracted temporary employment agency with City of Lemoore placement shall be not entitled to any City of Lemoore benefits.
- vi. **Transitional Employee:** A city employee who has been temporarily reassigned to duties other than his normal duties under the city's Early-Return-to-Work Policy.

b. Employee compensation shall be stated in terms of annual or monthly salary or hourly wage.

c. Entitlement to employee benefits shall be as follows:

- i. Regular full-time employees shall receive all employee benefits provided by the City; provided, however, that represented employees shall receive only those benefits provided for by the labor agreement.

- ii. Probationary employees, who, upon successful completion of their initial probationary periods will be regular full-time employees, shall be entitled to the same benefits as regular full-time employees, subject to the applicable eligibility provisions and time periods.
 - iii. Part-time employees will be credited with twenty-four (24) hours of paid sick leave at the beginning of each fiscal year. Qualifying employees must be employed for 90 calendar days before any sick leave may be taken. An employee may not be paid sick leave hours before they are available.
 - iv. An approved leave of absence without pay will not interrupt the accumulation of continuous service, provided the employee meets the conditions required by the City for such leaves.
- d. Employees taking leave without pay, temporary disability leave, or Family and Medical Leave, shall not accrue sick leave or vacation time while on such leave.

SECTION 30-2 MEDICAL/HEALTH INSURANCE COVERAGE

I. PURPOSE:

To provide an outline of medical/health benefits provided by the City of Lemoore.

II. STATEMENT OF POLICY:

The City of Lemoore provides group health, dental and vision insurance plan for all City employees and their families. The family of an employee is defined as those individuals who are legal dependents of the employee, either as a legal spouse or as a dependent child of the employee less than twenty six years of age. The employee may file an affidavit of common law marriage if the spousal relationship has not been established by a license issued by a state government.

Supplemental plans may be added and/or deleted based on the needs of the City and its employees. Eligibility Requirements:

- a. Regular Full-Time
- b. Retirees (retiree pays entire premium)
- c. Employees who have been terminated may be eligible to remain with the City's group plan under certain conditions as outlined under COBRA benefits.

III. CITY CONTRIBUTION:

For regular full-time employees, the City shall contribute an amount designated by CBA, resolution or other City Council approved action.

IV. COVERAGE:

Group plan brochures are available in the Human Resource's Office which explains detailed insurance coverage offered by the plan. Human Resources is the liaison between employees and the insurance company and is available to help employees with their insurance inquiries.

V. WHEN COVERAGE BEGINS:

Coverage for new employees begins the 1st of the month following the 30th day of employment.

VI. WHEN COVERAGE ENDS:

If an employee terminates before the second pay period of the month, coverage is extended to the 30th of the month. Employees who terminate after the second pay period of the month will have coverage through the 30th of the following month, unless the employee elects to remain insured under paragraph "b," below.

- a. Employees who retire have the option to remain in the City's group plan, provided they pay the current full premium each month. A retiree's dependents may continue coverage following death.
- b. Continuation Coverage under the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA). Terminating employees may have the option of "Continuation Coverage," provided the termination is not the result of misconduct. Spouses and dependent children are allowed to stay on group coverage.
- c. With the exception of FMLA, employees may elect to continue their total existing insurance coverage, at employee expense, while on leave of absence (Leave without pay).
- d. Employees using FMLA shall receive health insurance coverage according to the terms and conditions that are in effect during the time the employee is using such leave.

SECTION 30-3 RETIREMENT

I. PURPOSE:

To provide an outline of retirement programs and benefits available to City employees.

II. STATEMENT OF POLICY:

- a. Retirement systems for City employees are Public Employees Retirement System (PERS) Administered by the California Public Employee Retirement Administration (CalPERA). Employees covered are:
 - i. Regular full-time
 - ii. Regular part-time employees when they have worked or if they are expected to work at least 960 regular hours.
- b. Contributions to the Fund: The City and the employees contribute a percentage of income to the fund as determined by the plan administrator.

- c. Creditable Time: As provided by California State law, the time an employee has worked for any city, county or state government in the State of California, including the California National Guard, may be counted towards retirement under CalPERS. Employees may "buy back" military time for inclusion towards CalPERS in accordance with applicable law.
- d. Retirement Process: Employees who wish to retire should contact CalPERS to receive counseling, and notify Human Resources as soon as possible of their anticipated retirement date.
- e. Withdrawal of Funds: Employees must contact CalPERS to withdraw contributions when terminating employment.
- f. Social Security (FICA) - Eligible Employees:
 - i. All employees regardless of employment status with the exception of police officers.
 - ii. Contributions to Fund: The City and the employee contribute a percentage of the employee's gross wages.

III. MEDICARE:

- a. Eligible Employees: Mandatory. All employees pay Medicare whether or not they are subject to Social Security Taxes. (Exception are those police officers and firefighters hired prior to March 31, 1986.)
- b. Contributions to Fund: The City and employee contribute a percentage of the employee's gross wage.

SECTION 40-1 EMPLOYEE CONDUCT

I. PURPOSE:

To outline specific areas which may result in employee discipline.

II. STATEMENT OF POLICY:

It shall be the duty of employees to maintain high standards of cooperation, efficiency and integrity in their work with the City. If an employee's conduct falls below standard, he/she may receive corrective counseling or be subject to disciplinary action. Examples of conduct for which an employee may be disciplined include, but are not limited to:

- a. Reporting to work under the influence of intoxicants or nonprescription/illegal drugs, using such substances or being impaired, while on City property.
- b. Failure to follow the orders of one's supervisor(s).

- c. Being absent from work without permission or failure to report to the supervisor or department head when one is absent. Excessive Absenteeism; or tardiness. This includes being absent from work station.
- d. Being habitually absent or tardy for any reason. This includes not being ready to work at the appropriate start of the work day.
- e. Failure to perform assigned work in an efficient or effective manner. Unsatisfactory or careless work; mistakes due to carelessness or failure to get necessary instructions.
- f. Being wasteful of material, property or working time. Misappropriation or damage of public property or waste of public funds or property through negligent or willful misconduct.
- g. Discourteous or disrespectful treatment of other employees, customers, suppliers, or visitors.
- h. Inability to get along with fellow employees so that the work product is hindered and not up to required levels.
- i. Conducting an unlawful lottery or gambling on City premises.
- j. While on duty or in uniform, willful or negligent disobedience of any law, ordinance, rule or regulation, or superior's lawful instruction.
- k. Failure to observe proper security or workplace safety procedures. Negligence or any careless action which endangers the life or safety of another person; failure to wear required safety equipment; or tampering with safety equipment or other devices.
- l. Conduct on the job which violates the common decency or morality of the community.
- m. Smoking in any public building or City vehicle, smoking in any area where it may cause a safety hazard, or any other area prohibited by law.
- n. Commission of a felony or gross misdemeanor that may affect the performance, safety or function of the job.
- o. Sleeping while on duty; or loitering or loafing during work hours.
- p. Removal of City, co-worker's or private citizen's money, merchandise, or property, including property in custody of the City, co-worker or private citizen without permission.
- q. Unauthorized possession of dangerous or illegal firearms, weapons or explosives on City property while on duty; or displaying or brandishing any firearm or weapon, whether in jest or otherwise, in any manner which can be construed as careless, threatening or dangerous manner, except in performance, of official duties.
- r. Lying to supervisors in connection with one's job.

- s. Dishonesty, including intentionally giving false information, intentionally falsifying records or making false statements when applying for employment.
 - t. Being on City premises during non-working hours without permission.
 - u. Divulging or misusing confidential information, including removal from City premises, without proper authorization, any employee lists, records, designs, drawings, or confidential information of any kind.
 - v. Engaging in an act of sabotage; willfully or with negligence causing the destruction, damage, loss or misuse of City property, or the property of any employees, customers, suppliers, or visitors in any manner; or the failure to immediately report damage, loss or an accident involving City equipment.
 - w. Accepting fees, gifts, or other valuable items in the performance of the employee's official duties for the City.
 - x. Inability or unwillingness to perform the assigned job.
 - y. Falsification of time records for payroll.
 - z. Use of influence of position with the City for private gain or advantage, or the use of time, facilities, equipment supplies for private gain or advantage.
 - aa. Abuse of sick leave privileges or obtaining sick leave pay falsely or under false pretenses.
 - bb. The use of profanity or abusive language towards a fellow employee or member of the general public while performing official duties as a City employee.
 - cc. Failure to maintain job-required certification, accreditation, license or violation of statutory or regulatory rules which may apply.
 - dd. Threatening or harassing a supervisor, co-worker or private citizen.
 - ee. Unlawful discrimination, including harassment, on the basis of sex, sexual orientation, race, color, ancestry, religious creed, handicap or disability, medical condition, age (over forty), marital status; or any other protected class under applicable law, against the public or other employees while acting in the capacity of an employee.
 - ff. Refusal to take and subscribe any oath or affirmation which is required by law in connection with employment.
 - gg. Any violation of these personnel guidelines or officially promulgated City rules, regulations or policies.
- III. Refer to the Section on DISCIPLINARY ACTION for additional information on procedures for, and types of, disciplinary action.

SECTION 40-2 EMPLOYEE PERSONAL APPEARANCE

I. PURPOSE:

To establish a general policy regarding employee appearance.

II. STATEMENT OF POLICY:

- a. Employees should portray a positive image to the citizens of Lemoore. Often, the contact City employees have with the public is the only image they have of City operations in general.
- b. It is the policy of the City that the choice of dress be left to the employee's discretion; however, the dress must conform to the work environment and should be conservative and non-offensive to other employees or the public. If an employee's appearance and/or hygiene and grooming is such that it is generally offensive, a supervisor is encouraged, and may be required, to discuss the subject with the employee.

III. ENFORCEMENT:

- a. Department managers and supervisors are responsible for monitoring and enforcing this policy. The policy will be administered according to the following action steps:
 - i. If questionable attire is worn in the office, the respective department director, supervisor/manager will hold a personal, *private discussion with the employee to advise and counsel the employee regarding the inappropriateness of the attire.
 - ii. If an obvious policy violation occurs, the department supervisor/manager will hold a *private discussion with the employee and ask the employee to go home and change his/her attire immediately.
 - iii. Repeated policy violations will result in disciplinary action, up to and including termination.

*If represented by a Union, the employee may request representation.

SECTION 40-3 POLITICAL ACTIVITY

I. PURPOSE:

While individuals have the right to participate in the electoral process, it is important for public officers and employees to keep their political activities separate from their official duties. For that reason, public officers and employees must use their personal time to engage in campaign activities and they may not use public funds, facilities or equipment to do so.

II. STATEMENT OF POLICY:

- a. Employees shall not engage in any form of political activity during working hours. Political activity shall not interfere with or impair an employee's work performance.

- b. Except as provided in Government Code §§ 54964 and 8314 a public officer or public employee may not use public time, facilities, equipment, supplies, personnel, or funds to solicit support for or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue unless the use is: (i) authorized by law; or (ii) properly incidental to another activity required or authorized by law.

SECTION 40-4 OUTSIDE EMPLOYMENT

I. PURPOSE:

To establish a procedure whereby employees may engage in employment apart from City employment.

II. STATEMENT OF POLICY:

The City of Lemoore should be the primary job for regular employees. Should another position, whether for wage or as a volunteer, interfere in any way with the employees' ability to satisfactorily complete City of Lemoore job duties or be considered a conflict of interest, the employee may receive disciplinary action.

III. PROHIBITED PRACTICES:

An officer or employee of the City of Lemoore shall not:

- a. Engage in a substantial financial transaction for his/her private business purposes with a person whom he/she inspects or supervises in the course of his/her official duties; or
- b. Perform an official act directly or substantially affecting to its economic benefit a business or other undertaking in which he/she either has a substantial financial interest or is engaged as counsel, consultant, representative or agent.

IV. PROCEDURE:

- a. Employees who wish to work or volunteer at jobs outside the city must first submit a written statement to their supervisor containing the following information:
 - i. Name, address and telephone number of other employer.
 - ii. Proposed hours to be worked.
 - iii. Description of work.
- b. Such employment must be approved by the employee's supervisor and the City Manager. Authorization for such employment with any conditions shall be filed in the employee's personnel file.

SECTION 40-5 USE OF CITY VEHICLES

I. PURPOSE:

To establish guidelines for the use of City-owned motor vehicles.

II. STATEMENT OF POLICY:

- a. City-owned motor vehicles shall be used for official City business only, unless approved by the City Manager and/or Council.
- b. City vehicles shall not be taken home overnight except as follows:
 - i. Employees may take a City-owned vehicle home for one night when attendance to an out-of-city meeting takes place late at night after normal working hours or early in the morning prior to normal working hours.
 - ii. Those employees designated by the department head to be "on 24-hour call" for department/division emergencies.
 - iii. For more than one night when specifically authorized by the City Manager.
 - iv. Approval for paragraph b.i. above may be granted verbally by the employee's Department Head.
 - v. Approval for paragraph b.ii. above must be requested in writing to the City Manager and concurrence obtained in writing from the City Manager.
- c. City vehicles must be available for City business at all times.
- d. City vehicles may be used for travel to lunch:
 - i. When an employee is on City business;
 - ii. When an employee is in town in a City vehicle in a location where driving to obtain his/her personal car would result in an extra and unnecessary expenditure of fuel.
- e. City vehicles shall be legally and appropriately operated and/or parked at all times. Violations issued to the driver of the vehicle will be the responsibility of the driver, not the City.
 - i. Any traffic violations while operating a City-owned vehicle will be reported immediately to your supervisor.
- f. Seat belts will be used by the driver and all passengers at all times when the vehicle is in motion. It shall be the driver's responsibility to ensure use of seat belts by all passengers.
- g. Department heads may establish supplemental department vehicle policies.
- h. Smoking in any City vehicle is prohibited.

SECTION 40-6 REVOLVING DOOR RESTRICTIONS

I. STATEMENT OF POLICY:

- a. For a period of one year after leaving City employment or office, elected officials and the City Manager shall not act as an agent of or represent someone for compensation before the City for purposes of influencing: administrative or legislative action; any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract; or the sale or purchase of goods and property. This section shall be interpreted in a manner consistent with applicable law, as may be amended.

SECTION 40-7 DISCIPLINARY ACTION

I. PURPOSE:

To establish policies and procedures related to disciplinary action for City employees.

II. STATEMENT OF POLICY:

- a. It shall be the policy of the City to administer discipline fairly, reasonably, and impartially. Employees and the City are best served when discipline is administered to correct actions rather than to punish.

III. PROCEDURE:

- a. The tenure of City employees shall be based on reasonable standards of job performance and personal and professional conduct. Failure or refusal to meet these standards shall constitute just cause for non-disciplinary and disciplinary actions including oral or written reprimand, temporary reduction in pay, suspensions, demotions, and termination.
- b. Disciplinary action is not primarily intended to be punitive, but rather to maintain the efficiency and integrity of City service. The nature and severity of the offense and the employee's prior record shall be considered.
- c. In any disciplinary action, the pertinent information shall be reviewed with the employee specifying the following: The cause for discipline, the specific reasons supporting the cause, the discipline to be imposed, the effective date, and the right of the employee to be heard.
- d. Employees may be disciplined for, but not limited to, areas detailed in the Policy on EMPLOYEE CONDUCT.
- e. The degree of discipline administered will depend on the severity of the infraction and shall be in accordance with any applicable CBA, regulations, and City policies and procedures as well as local, state or federal laws and regulations.
- f. It is the responsibility of each supervisor and department head to investigate and evaluate thoroughly the circumstances and facts as objectively as possible and apply the most suitable form of discipline.
- g. If, after an initial review of the allegations by a supervisor or department head, it is determined that further review is warranted, employees being investigated should be

notified in writing of any allegations/infractions against them and that an investigation will be taking place.

- h. Supervisor or department heads are to conduct thorough investigation for all allegations warranting an investigation. Human Resources will provide assistance to the supervisor or department head with regard to employee notices, and scheduling investigative meetings.
- i. Upon completion of the investigation the supervisor or department head will issue a Notice of Intent to Discipline to the employee indicating the cause for discipline, the specific reasons supporting the cause, the discipline to be imposed, the effective date, and the right of the employee to be heard.
- j. Under normal circumstances, the Notice of Intent to Discipline will be issued within a reasonable time after the occurrence of the violation claimed by the supervisor and normally should not exceed forty-five (45) days. This is to allow for sufficient time to conduct an adequate investigation of the incident, to hold the pre-disciplinary hearing and to permit consideration of disciplinary alternatives by appropriate managerial personnel.

IV. TYPES OF NON-DISCIPLINARY ACTION MAY INCLUDE:

- a. **Oral Reprimand** - This type of discipline should be applied to infractions of a relatively minor degree or in situations where the employee's performance needs to be discussed. The oral reprimand should be given in private and should inform the employee that the supervisor is issuing an oral reprimand, that the employee is being given an opportunity to correct the condition, and if the condition is not corrected, the person will be subject to more severe disciplinary action up to, and including, termination.
 - i. A record of discussion may be provided to the employee which may include the date, and general content discussed, as well as any corrective actions to be taken by the employee.
- b. **Written Reprimand** - This notice will be issued in the event the employee continues to disregard an oral reprimand or if the infraction is severe enough to warrant a written reprimand in the employee's personnel file.
 - i. The reprimand shall state the nature of the infraction in detail and what corrective action must be taken by the employee to avoid further discipline.
 - ii. A copy of the written reprimand is to be handed to the employee at the time of the discussion of the discipline.
 - iii. The employee shall sign the written reprimand to acknowledge receipt. A copy, signed by the employee, will be placed in the employee's personnel file. If the employee refuses to sign the acknowledgment, then the supervisor and one other witness shall note on the reprimand that the employee received a copy thereof and refused to sign it.

V. TYPES OF DISCIPLINARY ACTION MAY INCLUDE:

- a. **Suspension** - This form of discipline is administered as a result of a significant infraction

of policies or for repeated violation. For minor infractions, a suspension is often given after the employee has received a written reprimand.

- i. **Suspension Without Pay** - An employee will be suspended without pay when the offense is of a serious enough nature usually sufficient for discharge, but when circumstances related to an employee's overall performance would not warrant immediate discharge. The length of suspension should not normally exceed fifteen (15) work days.
 - ii. **Suspension with Pay** - At the discretion of the City Manager or his/her designee, an employee of the City may be suspended with pay and benefits pending investigation of allegations of misconduct, when the nature of the allegation compromises the ability of the employee to perform his/her duties, and when a substantial period of time will be required to complete an investigation or legal action. **Such a suspension is not a disciplinary action.**
 - b. **Temporary Reduction in Pay** – This form of discipline is typically administered as a result of a significant infraction of policies or for repeated violations. It may also be used after an employee has received suspension with or without pay which did not result in corrective behaviors.
 - i. Temporary reductions in pay shall not exceed a 5% of the employee’s base pay or continue for longer than six (6) consecutive months.
 - c. **Demotion** - Demotion may be used when continued infractions occur and warrant removal from current duties as a result of progressive disciplinary action, or when an initial policy violation is significant enough to remove an individual from their current position. It may also be used in those instances where an employee has been promoted to a position where he/she is unwilling or unable to perform the responsibilities of that position. Demotion is not to be used as a substitute for termination, when termination is warranted.
 - d. **Termination** - Immediate removal of an employee from the job site pending review for termination may be warranted in instances involving significant misconduct, theft, serious illegal or destructive acts while on the job, or other substantial reasons deemed appropriate by the City Manager. An employee may also be discharged after repeated offenses of a less serious nature, including poor work performance, if the offenses have been documented by the supervisor.
 - i. **Probationary employees** - on their initial probation may be terminated at any time without cause and without the right of appeal for violations of policy or any laws. Notification of termination in writing shall be provided the probationary employee and a copy filed in his/her personnel file. Termination of probationary employees also require the concurrence of the City Manager.
- VI. The Notice of Intent to Discipline is to be signed by the employee and placed in the employee's personnel file with a copy given to the employee.

- VII. In those instances where employees are covered by a CBA, the CBA provisions shall govern disciplinary action, if included in the CBA. In all other cases, this policy and procedure shall apply.
- VIII. **Pre-disciplinary Hearing - Standards/Notice of Discipline.** Human Resources, and/or designee, shall provide and arrange for a pre-disciplinary hearing prior to the suspension without pay, temporary reduction in pay, demotion, or termination of any employee. This shall occur after the issuance of a Notice of Intent to Discipline.
- a. An employee shall be provided, in writing, with a Notice of Intent to Discipline, including an explanation of the department's evidence, the intended disciplinary action, and the date discipline shall commence. The employee shall be given an opportunity to respond to the charges, orally or in writing, as to why the proposed action should not be taken.
 - i. Responses in writing shall be received by Human Resources no later than five (5) calendar days following the issuance of a Notice of Intent to Discipline.
 - ii. Human Resources shall make every attempt to schedule pre-disciplinary hearings within fourteen calendar (14) days of the issuance of the Notice of Intent to Discipline.
 - b. The employee may have legal counsel or union representation present at a pre-disciplinary hearing.
 - c. A hearing officer will be assigned by Human Resources. A hearing officer shall be someone other than the individual recommending discipline.
 - d. The department's explanation of the evidence at the pre-disciplinary hearing shall be sufficient to apprise the employee of the basis for the proposed action. The hearing officer shall be provided all document/facts related to the Notice of Intent to Discipline.
 - e. The hearing officer shall provide a written report to the supervisor or department head outlining their disciplinary recommendations. The report shall be provided no later than fourteen (14) calendar days following the pre-disciplinary hearing.
 - f. Following receipt of the hearing officer's recommendation, the supervisor or department head shall review the information and determine if the original discipline, or modified discipline as recommended by the hearing officer, shall stand. In no case, shall the discipline be more severe that was originally noticed to the employee.
 - g. Notice of Discipline shall be issued to the employee no later than ten (10) calendar days following receipt of hearing officer report by the supervisor or department head. The Notice of Discipline shall include the disciplinary action, grounds for discipline (policy violations), date and duration of discipline and any other relevant facts regarding discipline to be rendered.
 - h. Following receipt of the Notice of Discipline, the employee may appeal the decision to the City Manager. The City Manager shall be provided copies of the investigative report, personnel file, Notice of Intent to Discipline, written response of employee, copy of

hearing officer report (if one exists) and the Notice of Discipline. The City Manager shall review the information and make a determination on whether or not the discipline shall occur as issued, be modified, or shall be rescinded.

- i. The decision of the City Manager is final. If the City Manager is the department head that initiated discipline and issued the Notice of Discipline, the appeal shall be heard by the Assistant City Manager, or another designee.

SECTION 40-8 GRIEVANCE PROCESS

I. PURPOSE:

To establish standardized grievance procedures for employees.

II. STATEMENT OF POLICY:

- a. A "grievance" shall mean a claim or dispute by an employee with respect to the interpretation, meaning or application of the provisions of City policies and procedures or a CBA.
- b. It is the policy of the City of Lemoore to afford all employees a means of obtaining further consideration of problems when they remain unresolved at the supervisory level, and to establish policies and procedures that provide for timely resolution of grievances.
- c. Strict adherence to the procedures outlined below is mandatory for all concerned, except that time limits may be extended for good cause shown unless other procedures are provided by federal or state law regulations.
- d. Every attempt will be made to informally resolve the grievance to the mutual satisfaction of the employee and the City.
- e. Use of the City's Grievance Process shall not be used to grieve issues related to discipline, as outlined in Section 40-7.

III. PROCEDURE:

- a. An aggrieved employee is encouraged to first seek resolution with his/her immediate supervisor or a first line manager consistent with the goal of resolving disputes at the lowest possible level in the organization. If the problem originates with the supervisor, then the employee will have the option of bypassing this step and filing an informal or, if necessary, formal grievance as outlined below.
- b. Step 1: An Employee must present a grievance within ten (10) working days of its alleged occurrence to the employee's immediate supervisor and department head, who shall attempt to resolve it within ten (10) working days after it is presented to him/her.
- c. Step 2: If the employee is not satisfied with the solution by the department head, the employee must submit the grievance, in writing, to the City Manager's office within five

- (5) working days of the Department Head's response. This written notice shall include the following:
- i. Statement of the grievance and relevant facts.
 - ii. The City policy(s) which were violated.
 - iii. Copies of any documents and descriptions of any other physical evidence which may be used to support the grievant's position.
 - i. Remedy sought.
 - ii. Reasons for dissatisfaction with the department head's solution.
- d. The City Manager shall attempt to resolve the grievance within ten (10) working days after it has been presented to him/her. The City Manager is the final authority within the City on grievances.
- e. An employee may have a representative of his or her choice; either a union representative or an attorney present at meetings or formal interviews of the grievance procedure, except that an employee may represent no one he or she supervises, and no employee may be represented by a supervisor of department head. If the employee's representative is a fellow employee, that employee will receive time off from his or her work assignment for the time of the grievance meeting or hearing plus reasonable travel time. Forty-eight hours (48) prior to the grievance meeting, the employee shall inform the immediate supervisor, Department Director, or City Manager whether he or she shall be represented at the grievance meeting and shall identify the representative.
- f. Any time limit or stage of procedure in this process may be waived for good cause and with the consent of both parties.
- g. A grievant may withdraw any grievance at any time, without prejudice, by giving written notice to the Lemoore representative who last took action on the grievance, and by providing a copy of the notice to Human Resources.
- h. The City Manager may delegate non-involved Department Directors or other management-level employee to act on his or her behalf in this process. The findings and recommendation they render will be advisory to the City Manager, whose ultimate decision will be final and binding.
- i. Questions or requests for additional guidance concerning procedural or substantial matters relating to the grievance should be directed to Human Resources.
- j. No punitive action shall be carried out against an employee for utilizing the grievance procedure when in good faith they believe a mistake has been made in the administration, application, development, or interpretation of a rule, plan or policy.

IV: EXCLUSIONS TO THE GRIEVANCE PROCESS

The following matters may not be grieved:

- a. Requests for changes in wages, hours, or working conditions, including any impasse or dispute in the meet and confer process or matter within the scope of representation;

- b. Requests for changes in the content of employee evaluations or performance reviews, oral or written warnings, reprimands or counseling, memos;
- c. Challenges to the decision to reclassify, layoff, transfer, deny reinstatement, or deny a step or merit increase;
- d. Challenges to any disciplinary action; and
- e. Challenges to examinations or the appointment of positions.

SECTION 40-9 LOBBYING BEFORE STATE LEGISLATURE OR OTHER GOVERNMENTAL AGENCIES

I. PURPOSE:

To assure that the official policies of the City are properly expressed before legislative bodies or other governmental agencies.

II. STATEMENT OF POLICY:

- a. In order to assure that the official policies of the City are expressed during appearances before legislative bodies or other governmental agencies, the following policies will apply:
 - i. All testimony or statements, written or oral, given by an employee of the City before any governmental legislative body or other governmental agency shall strictly comply with the policies set forth by the City Council, action by a motion, resolution or ordinance.
 - ii. When there is no formal action by the Council, written authorization must be obtained from the City Manager prior to any activity by any employee of the City.
 - iii. The policies expressed in parts (i) and (ii) above shall also apply to any correspondence written on City or departmental stationery and to any verbal conversation when the speaker represents himself as an employee of the City.
 - iv. Parts (i), (ii), and (iii) above, apply to all employees during normal working hours, except that any written statement on City or departmental stationery applies at all times. Any employee who appears before any governmental legislative body or any agency during hours other than working hours will not represent themselves as employees of the City unless all information given is in compliance with this policy. If during the course of an appearance or verbal interchange, the fact emerges that the person is an employee of the City, then a disclaimer will be issued that the information or testimony given represents the views of the employee and not that of the City. If information or testimony is given that is contrary to official policies of the City, then a statement to that effect will be given if the person has been identified as an employee of the City.
- b. All employees lobbying for the City before the state legislature and who expend any funds, which include wages, will file reports with the California Fair Political Practices Commission.
- c. Any violation of this policy or procedure may result in disciplinary action being taken

against the employee.

- d. "Lobby" or "lobbying" each mean attempting to influence the passage or defeat of any legislation on the adoption or rejection of any rule, standard, rate, or other legislative enactment that will, or could have, any impact on the City.

SECTION 40-10 SMOKING POLICY FOR CITY EMPLOYEES WITHIN CITY-OWNED FACILITIES

I. PURPOSE:

To be in compliance with California Clean Indoor Air Act (CIAA) and respond to the increasing evidence that tobacco smoke creates a danger to the health of persons who are present in a smoke-filled environment and to establish City policy to regulate the use of smoking materials by City employees while on duty.

II. STATEMENT OF POLICY:

"Smoke" or "smoking" as used in this policy shall mean and include the smoking or carrying of any kind of lighted pipe, cigar, cigarette, including electronic versions.

- a. Smoking is prohibited in all City buildings and City vehicles.
- b. Smoking will be restricted to designated areas as established by the City Manager or his/her designee.
- c. Areas designated for smoking may change from time to time to meet the needs of the City and desires of its employees and the public. In the event there is a conflict about the establishment of a smoking area, the right of the nonsmokers to breathe clean air free from harmful smoke shall supersede the right to smoke.
- d. Smoke breaks are to be confined to the affected employees lunch period or rest break.

SECTION 40-11 SOLICITATIONS

I. PURPOSE:

To establish a uniform policy for solicitations by sales representatives or agents in order to alleviate disruption of City employees during normal working hours.

II. STATEMENT OF POLICY:

- a. With the exception of United Way and other City-approved activities, peddling or soliciting for sale or donation of any kind on City premises during normal working hours is not allowed. Exceptions may be granted by the City Manager's office.
- b. Working hours include the working time of both the employee doing the soliciting or

distributing, and the employee to whom such activity is directed.

- c. Employees are free to discuss these matters before or after normal working hours, and during lunch or rest periods in non-work areas.

SECTION 40-12 CONTRIBUTIONS AND HONORARIUMS

I. PURPOSE:

To establish a policy and procedure for reporting contributions and honorariums.

II. STATEMENT OF POLICY:

- a. Speeches and presentations which are related to City services delivered by City employees to community and professional organizations are made without charge. If an organization wishes to give an honorarium or contribution for such a presentation, the remuneration must be made to the City, not to the individual employee.
- b. An honorarium or contribution for a speech or other presentation made by a City employee to a group outside the City, either during working time or for which the City provided travel expenses, will also be made to the City.
- c. Such contributions and honorariums shall be turned over to the Finance Director for disposition.

SECTION 40-13 CONFIDENTIAL INFORMATION/PERSONAL GAIN

I. PURPOSE:

California's constitution and key statutes provide a framework for public access to government records and meetings. However, the law limits public access in specified situations where "the demands of the individual privacy clearly exceed the merits of public disclosure or where disclosure of confidential information may invade privacy interests.

II. STATEMENT OF POLICY:

- a. Employees of the City of Lemoore may deal with confidential information. It is imperative that employees maintain City of Lemoore integrity and not discuss City of Lemoore business with people who should not be privy to the information. In some circumstances, City of Lemoore business should be revealed to other City of Lemoore employees on a need-to-know basis. If an employee has questions regarding confidential information and to whom the information should be revealed, they should consult with their supervisor, City Manager and/or their designee, or with City of Lemoore's legal counsel.
- b. Likewise, employees may not use knowledge gained through their employment at the City of Lemoore to achieve personal gain for themselves or anyone else. Employees cannot participate as a City of Lemoore employee where they may have private pecuniary

interest, direct or indirect, or perform in some function requiring discretion on behalf of the City of Lemoore. Employees cannot disclose or use confidential information concerning property or City of Lemoore affairs to advance personal or private interest with respect to any contract or transaction that is or may be subject of official action of the City of Lemoore.

SECTION 40-14 DRUG FREE WORK PLACE

I. PURPOSE AND INTENT:

- a. The City has a vital interest in maintaining safe, healthful, and efficient working conditions for its employees. Being under the influence of a drug or alcohol on the job poses serious safety and health risks to the person under the influence, coworkers, and members of the public. The City has established guidelines intended to eliminate drug and alcohol abuse and the effects of such abuse in the workplace in accordance with applicable law. These guidelines apply to all City employees.
- b. Consistent with the federal Drug-Free Workplace Act, it is the City's policy that employees shall not possess, use, unlawfully manufacture, distribute, dispense, sell, or be under the influence of prohibited substances on the job. Prohibited substances include the following:
 - ii. Alcohol, which shall include any form of consumable alcohol in any strength (proof) in any quantity.
 - iii. Illegal Drugs, which shall include Amphetamines, Marijuana, Cocaine, Heroin, Opiates, Lysergic acid diethylamide (LSD) and Phencyclidine (PCP), or any other controlled substance taken without a lawful prescription, as defined by sections 802 and 812 of Title 21 of the United States Code, the California Health and Safety Code, or other applicable law.
 - iv. Legal Drugs, which shall include lawfully prescribed or which are non-prescription medications. While the appropriate use of legal drugs is not prohibited, an employee must immediately report to a supervisor about the use of any legal drug which adversely affects an employee's ability to perform their job safely and efficiently, the safety of other employees, the public or City facilities and operations.
 - v. If a supervisor reasonably suspects that an employee's use of a legal drug adversely affects the employee's ability to perform the job safely and efficiently, the safety of other employees, the public, or City facilities and operations, the supervisor may request that the employee obtain and provide a written release from a medical professional indicating that the employee can work safely and efficiently while taking the legal drug. The employee need not disclose the name or medical purpose of the drug.
 - vi. The City maintains the right to restrict an employee's work activities while the employee is using legal drugs and may require an employee using legal drugs to take a leave of absence while using legal drugs if a medical professional determines

that the employee cannot work safely and efficiently while taking the legal drugs.

- vii. In no event may an employee report to work if the employee is impaired by the use of the legal drugs to the point such impairment may endanger the safety of the employees or anyone else or the security of City facilities and operations.
- c. Consistent with the federal Drug-Free Workplace Act, employees must notify their supervisor of any conviction or no consent plea of any criminal drug statute violation occurring while on duty, on City property, at work locations, while on break, and during the work day or during meal periods within five days after such conviction or plea. Employees found to be in violation of this requirement are subject to disciplinary action, up to and including termination.
- d. The City is committed to providing reasonable accommodation to employees whose drug or alcohol usage qualifies as a disability under state or federal law. Where appropriate, the employee may be referred to a substance abuse treatment program. The City encourages employees who believe that they may have a drug or alcohol usage problem to voluntarily seek confidential assistance from the Employee Assistance Program or their primary treatment professional. While it is the City's policy to be supportive of those who seek help, it is also the City's policy that abuse of alcohol or drugs will not be tolerated and disciplinary action, up to and including termination, may be taken to assure a drug and alcohol free workplace. Nothing in this policy shall be construed to prohibit the City from its responsibility to maintain a safe and secure work environment for its employees. The City may, at its sole discretion, invoke disciplinary actions as appropriate for employee misconduct related to the use or abuse of alcohol or drugs or both.
- e. Supervisors who have reasonable suspicion that an employee is under the influence of a prohibited substance or has illegal drugs in his/her possession or stored in City property shall document the facts constituting reasonable suspicion in writing. "Reasonable suspicion" is a belief based on objective facts sufficient to lead a reasonable person to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or that the employee's ability to perform his/her job safely is reduced. For example, any of the following, alone or in combination, may constitute reasonable suspicion:
 - i. Incoherent and/or slurred speech
 - ii. Rapid Speech
 - iii. Dry mouth with frequent swallowing and/or lip wetting
 - iv. Unusual odor emanating from breath and/or person
 - v. Red and/or watery eyes
 - vi. Dilated and/or constricted pupils
 - vii. Poor balance and/or coordination (e.g., unsteadiness)
 - viii. Hand tremors
 - ix. Disorientation and/or inattention
 - x. Erratic and/or volatile behavior
 - xi. Drowsiness
 - xii. Detachment from physical and/or emotional pain
 - xiii. Physical and/or verbal altercations

- xiv. Information from reliable source with personal knowledge
- xv. Admission of abuse or impairment by the employee of drugs and/or alcohol.

When circumstances permit, a second person shall observe the employee to verify that there is a reasonable basis to believe that drug or alcohol impairment may be present.

SECTION 40-15 DRUG AND ALCOHOL TESTING

I. PURPOSE:

To establish a policy that describes the City's expectations regarding alcohol and illegal drugs in the workplace. This policy is based on the belief that a working environment free of drug and alcohol abuse is healthier, safer and more productive for all employees.

II. STATEMENT OF POLICY:

All drug and/or alcohol testing shall be performed in accordance with applicable law.

III. REASONABLE SUSPICION TESTING REQUIREMENTS:

- a. If a supervisor makes a determination that an employee's conduct or behavior gives rise to reasonable suspicion as defined in section 40-14, the supervisor shall promptly bring his/her concerns to the department head or in his/her absence, the designee. In the event this person is not available, the supervisor shall promptly notify Human Resources of his/her concern.
- b. A determination that an employee's conduct or behavior gives rise to a reasonable suspicion that the employee is under the influence of a prohibited substance so that the employee's ability to perform the functions of his/her job is impaired or so that the employee's ability to perform his/her job safely is reduced shall be made by one or more supervisors, a Department Head, or by Human Resources, who shall be trained in detecting indicators of probable drug and/or alcohol influence and intoxication as required by law.
- c. Upon review, the department head or designee or Human Resources may direct an employee to submit to a drug and/or alcohol test or may authorize a supervisor to direct the employee to undergo such testing. Prior to an employee being directed to undergo drug and/or alcohol testing, it shall be verified that facts constituting reasonable suspicion are documented in writing prepared by a supervisor, Department Head or designee, or Human Resources. In the event that extenuating circumstances prevent such documentation prior to the employee undergoing drug and/or alcohol testing, documentation shall be completed as soon as possible but no later than twenty-four (24) hours after the test. The documentation shall also specify the extenuating circumstances.
- d. An employee who refuses an order to submit to a drug and/or alcohol test where reasonable suspicion exists shall be advised that failure to do so is insubordination and grounds for discipline.
- e. Employees shall be placed on administrative leave pending test results.

IV. RETURN TO DUTY TESTING:

- a. Before returning to duty after either testing positive on a drug or alcohol test or refusing to take a test when previously directed, an employee must: (1) test negative for drugs and/or have a blood alcohol content below 0.02 and (2) be evaluated and released by a Substance Abuse Professional before returning to duty.
- b. For a first-time positive drug test, a Return-to-Duty drug test is required and an alcohol test is optional, at the sole discretion of the City. For a first-time positive alcohol test, a Return-to-Duty alcohol test is required and a drug test is optional, at the sole discretion of the City. Employees may be referred to the EAP program or to other substance abuse counseling as part of their return to duty requirements.

V. FOLLOW UP TESTING:

- a. Employees who have returned to work following their Return-to-Duty test will be required to undergo random and unannounced follow-up drug and/or alcohol testing. The follow up testing will be performed for a period of one to five years, with a minimum of six tests to be performed the first year, unless otherwise determined by a Substance Abuse Professional. The frequency and duration of follow-up tests will be determined by the Substance Abuse Professional reflecting his/her assessment of the employee. Follow-up testing should be performed frequently enough to deter and/or detect a relapse. Follow-up testing is separate from and in addition to the reasonable suspicion, return-to-duty testing, random, and post-accident testing described herein. Employees shall be responsible for the cost of follow-up testing and the service provider shall invoice the employee directly.

VI. DRUG AND/OR ALCOHOL TESTING REQUIREMENTS:

- a. The City shall ensure that drug and/or alcohol testing is performed in accordance with all applicable laws, including but not limited to 49 Code of Federal Regulations.
- b. The City shall ensure that an employee ordered to submit to a drug and/or alcohol test is promptly transported to a collection site for the collection of urine and/or breath sample. Drug and/or alcohol tests shall be administered under approved conditions and procedures to ensure the integrity of the testing. The subject will be interviewed by laboratory personnel prior to sample collection to determine whether he/she is currently using prescribed drugs and/or taking over-the-counter medications which might reasonably impact testing.
- c. Testing shall be conducted solely for the purpose of detecting use of drugs and/or alcohol. With the exception of required follow-up testing or where such testing is a condition of an employee's return to duty, the City shall pay for the administration of drug and/or alcohol tests.

VII. RESULTS OF DRUG AND/OR ALCOHOL TESTS:

- a. Any subject providing false information about a urine or breath specimen or who attempts to contaminate such sample shall be subject to disciplinary action, up to and including termination or removal from consideration from hiring.

- b. An employee who has a verified positive drug and/or alcohol test or who refuses to undergo testing will be removed from duty, informed of educational and rehabilitation programs available, and referred to a Substance Abuse Professional for assessment. No employee will be allowed to return to duty without a Return-to-Duty test as detailed above and release from a Substance Abuse Professional.
- c. The cost of any treatment or rehabilitation services shall be paid by the employee or the employee's insurance provider subject to coverage limitations. An employee shall be permitted to take accrued sick leave to participate in the Substance Abuse Professional prescribed treatment program. If an employee has no accrued sick leave, time off to participate in the treatment program may be charged to other leave balances (e.g., vacation or compensatory time off). If the employee has insufficient accrued leave, the employee shall be placed on leave without pay until the Substance Abuse Professional has determined that the employee has completed the required treatment program and releases the employee to return-to-duty. Leave taken may be considered leave under FMLA/CFRA if the employee qualifies for FMLA/CFRA.
- d. An employee, who, after failing a drug and/or alcohol analysis test, fails or refuses to participate in the treatment program prescribed by the Substance Abuse Professional, shall be considered insubordinate and may be subject to disciplinary action, up to and including termination. An employee with a positive test result or an employee who refuses to undergo testing may be subject to disciplinary action, up to and including termination. Lab personnel will review the medical history made available by the subject when a confirmed positive test could have resulted from a legally prescribed or over-the-counter medication.
- e. In the event of a positive test, Human Resources and the Department Head shall be notified. A copy of the results shall be provided to the employee. A copy of the positive test results shall be placed in a confidential and secured folder and kept separate from the employee's personnel file.
- f. A drug test with the results of a "Negative Dilute" shall be retested. Refusal to submit to a retest when directed shall be considered a positive test result and insubordination and is grounds for discipline, up to and including termination.
- g. An employee who has a verified negative drug and/or alcohol test shall be provided with notice of these findings. A copy of this notice shall be placed in a confidential and secured folder and kept separate from the employee's personnel file. Depending on the circumstances and if appropriate, a medical release may be required before the employee is permitted to return to work.

VIII. RECORDKEEPING:

- a. The City shall ensure that all records related to its drug and/or alcohol misuse program and records related to the administration of drug and/or alcohol testing are maintained in a secure location in accordance with the law, including but not limited to 49 C.F.R. § 655.71. The City shall maintain such records for a minimum of five years, or as otherwise required under law.
 - i. Confidentiality

All drug and/or alcohol test results shall be kept confidential and shall not be subject to disclosure except as provided herein or as otherwise required under law.

ii. Enforcement

Managers and supervisors shall be responsible for enforcement of this policy. City property, including but not limited to motor vehicles, desks, files, cabinets, and lockers are to be used for official City business, which does not include the use of City property for storage of alcohol and/or illegal drugs. Subject to the requirements of Government Code § 3309, the City has the discretion to search without notice city property with or without reasonable cause. Employees have no expectation of privacy as to the storage of personal property, including the storage of alcohol and/or illegal drugs, in such areas.

iii. Training

The City shall provide all training required under law related to the prevention of abuse of drugs and/or alcohol in the workplace, including training related to the physical, behavioral, and performance indicators of probable drug and/or alcohol abuse and enforcement of this policy. The City shall maintain records documenting employees' attendance at such trainings.

SECTION 40-16 DRUG AND ALCOHOL TESTING OF EMPLOYEES IN SAFETY SENSITIVE POSITIONS

I. PURPOSE:

To provide a drug and alcohol testing policy for safety sensitive employees.

II. STATEMENT OF POLICY:

- a. In addition to Sections 40-14 and 40-15, this section shall apply to employees or successful applicants who will be or who are performing safety-sensitive functions for the City, in accordance with the law and the City's job classifications, including but not limited to positions requiring the incumbent to hold a Commercial Driver's License ("CDL") to operate service vehicles. The purpose of this section is to reduce accidents, injuries, property damage, and other risk to public health and safety which may result from drug and alcohol abuse and the effects of such abuse in the workplace by employees' in safety sensitive positions.

III. PRE-EMPLOYMENT TESTING

- a. The City shall require the applicant who has received a conditional offer for hire to be tested for the use of a controlled substance prior to hire in accordance with the law. The applicant shall be advised that a sample shall be tested for the presence of a controlled substance.
- b. The test will be completed and the results reviewed by the City prior to the start date. The test will be conducted in compliance with the Substance Abuse and Mental Health Services

Administration standards and protocols. Refusal to undergo testing or a positive drug and/or alcohol test will result in disqualification for hire for the position being filled. This will not affect consideration for future vacancies.

- c. Prior to hire, the applicant shall provide a written release to Human Resources so that the City may obtain from the applicant's previous employers for whom the applicant operated a commercial motor vehicle information related to the employee's previous drug and/or alcohol testing record, in accordance with applicable law, including but not limited to 49 C.F.R. § 382.413 and 49 C.F.R. § 40.25. Failure to do so will result in the employment offer being rescinded.

IV. REASONABLE SUSPICION TESTING:

- a. Employees performing safety sensitive functions will be subject to reasonable suspicion drug and/or alcohol testing as provided above and in accordance applicable laws related to reasonable suspicion testing procedures governing employees in safety sensitive positions, including but not limited to provisions in 49 C.F.R. Part 40.

V. POST-ACCIDENT TESTING:

- a. Any accident involving a commercial motor vehicle must be reported as soon as possible by the employee to his/her supervisor. The supervisor shall investigate the circumstances of the accident and determine if there is reasonable suspicion to require a drug and/or alcohol test.

The employee shall be subject to drug and/or alcohol testing under the following circumstances:

- i. If the employee is involved in an accident that has resulted in the loss of human life.
 - ii. If the employee is involved in an accident in which the driver receives a citation and there is an injury requiring medical attention away from the scene of the accident.
 - iii. If the employee is involved in an accident in which the driver receives a citation and any vehicle in the accident incurs disabling damage as a result of the accident, requiring it to be towed from the scene.
 - iv. Where otherwise required by law.
- b. Additionally, an employee in a safety-sensitive position is subject to drug and/or alcohol testing, when in the opinion of a supervisor, employee performance caused or contributed to the accident. For example, a mechanic may be tested when he/she worked on CMV brakes just prior to an accident and a brake problem may have contributed to the accident.
 - c. A post-accident drug and alcohol test should be completed as soon as possible and in accordance with the law. Drug testing must occur no later than 32 hours after the accident and alcohol testing must occur no later than 8 hours after the accident. If more than two hours elapse before an alcohol test is administered, the supervisor shall document the reason(s) for the delay. An employee involved in an accident must refrain from consuming alcohol for eight hours after an accident, or until he/she has undertaken a post-accident drug and/or alcohol test.
 - d. Nothing in this section shall be construed to require the delay of necessary medical attention

for injured persons following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

VI. RANDOM TESTING:

a. Employees performing safety sensitive functions shall be subjected to random, unannounced testing in accordance with the law. The City shall use a random selection process to select and request the employee to undergo drug and/or alcohol testing.

b. Employees shall be subject to Return-to-Duty testing; Follow-Up testing; and to the consequences of positive drug and/or alcohol tests that are detailed in section 40-15.

For all CDL holders, mechanics and City employees, the results shall be forwarded immediately to the City Medical Review Officer (MRO) for further review. The Human Resources and/or designee /Program Manager will send a copy of the drug testing results to the employee's home address.

SECTION 50-1 PERFORMANCE EVALUATION AND MERIT INCREASES

I. PURPOSE:

a. To establish a basis for performance evaluations and merit based salary increases.

II. STATEMENT OF POLICY:

a. The Performance Evaluation is an integral part of the City's Pay and Classification Plan. This plan covers all city employees.

b. The employee performance evaluation includes an evaluation by the employee's immediate supervisor, in addition to a voluntary self-evaluation.

c. It is the policy of the City to evaluate employees on a regular basis. The performance evaluation shall normally be conducted by the employee's immediate supervisor and shall be discussed with the employee.

d. A performance evaluation is due annually on the employee's anniversary date, following completion of the initial probationary period. See Section 20-5 for performance evaluation requirements for probationary employees.

e. Human Resources will notify the employee's supervisor approximately 30 days prior to the employee's anniversary date. It is the department head's responsibility to ensure that the performance evaluation is completed and returned to the employee for signature prior to the employee's anniversary date.

f. A Performance Evaluation system is in place and may be in different formats for different classes of employees. Some positions may have supplements, which relate to technical areas of their work.

- g. Upon satisfactory evaluation, defined as an overall rating of “standard” or above, an employee may be eligible for a merit increase. All merit increases are subject to City Manager approval.

SECTION 50-2 DATE OF HIRE/ANNIVERSARY DATE

I. PURPOSE:

To establish definitions and a policy for administering the date of hire and anniversary date for City employees.

II. STATEMENT OF POLICY:

- a. Date of hire shall mean the effective date of the individual's employment with the City.
- b. Anniversary date shall mean the date the employee began his/her employment in the most recent position.
- c. A regular employee who is promoted, demoted or transferred will have his/her anniversary date changed to the effective date of the promotion, demotion or transfer.
- d. A regular employee returning from a leave of absence without pay will have his/her anniversary date extended by the same length of time the employee was on leave without pay.
- e. There will be no change in an employee's anniversary date in the case of the reallocation of an employee's position to a new classification title, when there have been no recent, abrupt and/or significant changes in assigned tasks and responsibilities.
- f. An employee reinstated to the same position or a position in the same classification following layoff from the City will have his/her anniversary period extended by the same length of time as the duration of the layoff.

SECTION 50-3 DEMOTIONS

I. PURPOSE:

To establish a policy for demotions.

II. STATEMENT OF POLICY:

- a. An employee reassigned to a position in a lower classification regardless of the reason (disciplinary, in lieu of layoff, for reasons of disability or incapacity, department reorganization or other business reasons, etc.) will receive a cut in pay commensurate with the nature of the demotion as determined by the department head in consultation with the City Manager.

- b. The City Manager shall have the authority to demote in lieu of layoffs, department reorganization or other business reason. Demotions due to discipline must be approved by the City Manager.
- c. Demotions do not change the person's date of hire. However, the anniversary date for future salary increases changes.
- d. No employee shall be demoted to a position for which he or she does not possess the minimum qualifications.
- e. An employee being demoted shall be notified two weeks prior to demotion except in emergency situations.
- f. Any demotion to prevent layoffs may be revised when the employee's previous position is reopened.
- g. Persons demoted to new positions may be subject to a trial period for the new position as outlined in the Probation Policy, unless specifically waived by the City Manager's Office.
- h. Employees in position classifications which are downgraded (or upgraded) in salary to reflect changes in market conditions will retain their existing anniversary date for future step increases.

SECTION 50-4 POSITION DESCRIPTIONS

I. PURPOSE:

To provide for position descriptions for all City positions.

II. STATEMENT OF POLICY:

- a. Position descriptions shall be maintained by the Human Resources Department for all positions.
- b. The position descriptions shall include:
 - i. Classification Title / Classification Code
 - ii. Pay Range (if applicable)
 - iii. Union/Non-Union status
 - iv. Department
 - v. Division
 - vi. Approval Date
 - vii. General Purpose
 - viii. Supervision Received
 - ix. Supervision Exercised
 - x. Examples of Duties
 - xi. Minimum Qualifications
 - xii. Special Requirements

- c. New position descriptions shall be established by Human Resources utilizing an analysis of comparable agencies. A recommendation including the position description, placement on the Salary Schedule, and Classification Plan shall be provided to the City Manager for approval. The City Manager shall have final approval on all position descriptions, salary range, classification codes, and placement on the classification plan. City Council approval is required for any salary allocation, which may cause an increase to the current operating budget.
- d. The position description does not constitute an employment agreement between the City and employee, and is subject to change as the needs of the City and the requirements of the job change.
- e. Examples of duties listed in the position description are intended only as illustrations of the various types of work performed. The omission of specific statements of duties does not exclude them from the position if the work is similarly related or a logical assignment to the position.
- f. Updates or revisions to position descriptions will be handled in accordance with the Administrative Policy on RECLASSIFICATION PROCEDURE.

SECTION 50-5 PROMOTIONS

I. PURPOSE:

To establish a policy for application and appointment to vacant positions by current employees.

II. STATEMENT OF POLICY:

- a. The City attempts to fill all vacant positions with qualified City employees, following a policy of upward mobility whenever possible.
- b. In the event of reorganization, the City Manager may fill a vacancy by appointing a current employee, based on merit, so long as the employee meets the minimum qualifications for the position vacancy.
- c. Employees are encouraged to apply for any vacancy for which they may qualify in accordance with the Administrative Policy on HIRING PROCESS.
- d. Selection of an employee for a promotion (or lateral transfer) is based on past work record, education, knowledge of the job duties, as well as time in service.
- e. When considering the promotion (or lateral transfer) of City employees having the same or similar qualifications, the position will be filled after considering the factors listed above.
- f. In cases where only one employee applies for a position and the person's abilities and

qualifications are known to the hiring department, the formal selection process may be dispensed with upon concurrence of the Human Resources Department and City Manager.

- g. Temporary assignments may be made by the department head, upon City Manager approval, for a specified time or assignment as necessary. Such appointments are made on "acting" basis and the employee must meet the minimum requirements of the position and shall return to his or her regular position upon completion of the assignment. The actual salary for "acting" appointments is set by the department head in consultation with the Human Resources Department, pursuant to the Administrative Policy on WORKING OUT-OF-CLASSIFICATION.
- h. Unless otherwise provided by union contract, whenever an employee is promoted to a higher position, or whenever an employee's position is upgraded, said employee will enter the new grade/position at the entry level of the new position. In the event the entry level step of the new or upgraded position does not provide a salary increase of 5% or more, the employee shall enter at the next closest step which provides a salary increase of 5% or more. The new pay rate, upon promotion, shall not exceed the maximum of the new pay range.
- i. Promotions do not change the person's date of hire. However, the anniversary date for future pay increases will be revised to coincide with the promotion date.
- j. Persons so promoted will be subject to a trial period as outlined by the Probation & Trial Period Policy for the new position, unless specifically waived by the City Manager.
- k. Employees in position classifications which are upgraded (or downgraded) in salary to reflect changes in market conditions will retain their existing anniversary date for future step increases.

SECTION 50-6 RECLASSIFICATION PROCEDURE

I. PURPOSE:

To establish City policy and procedures for the request, consideration, and approval of position reclassification.

II. STATEMENT OF POLICY:

- a. Revision of position descriptions and re-allocations within the classification plan shall be made as often as is necessary to provide current information on positions and classifications.
- b. It shall be the duty of Human Resources to examine the nature of all positions and to allocate them to existing or newly-created classifications, to make changes in the classification plan as are made necessary by changes in the duties and responsibilities of existing positions, and to periodically review the entire classification plan and recommend appropriate changes in the allocations or in the classification plan.

- c. When a new position is requested by a department head or the duties of an old position are substantially changed, the department head shall submit a written recommendation to Human Resources including justification for the reclassification, emphasizing changes in position responsibilities or requirements for qualifications (i.e. experience, education, certifications, etc.).
- d. The request will be reviewed by Human Resources. If the request is justified, the budget impact will be determined, and reviewed by the City Manager, who will approve/disapprove the reclassification. If approved, Human Resources will take the necessary steps to effect the reclassification. No reclassification involving an upgrade of salary not requested and approved as part of the budget process will be effected without Council approval.
- e. If the City Manager's Office does not concur with the request, the department head will be provided with reasons. The City Manager shall be the final decision maker for all reclassification requests.
- f. If the requested action is for a downgrading of a position, and the City Manager concurs, the City Manager shall coordinate implementation steps.
- g. Any employee who considers his/her position improperly classified shall first submit a request in writing for reclassification to his/her department head who shall review the request and transmit it with written recommendation to Human Resources.
- h. Re-grade comes about as a result of reclassification, and due to an overall increase/decrease in the responsibilities of a position, resulting in an increase/decrease in the monetary compensation (salary range) established for the position.
- i. A job audit is an analysis of the critical elements of a position against a predetermined formula for measuring the relative worth of a position and placement in the City's classification/pay schedule. Periodically, the City will conduct job audits to assure job classifications accurately reflect the current duties, responsibilities, and skills required for the position, as the workplace evolves.

SECTION 50-7 TRANSFERS

I. PURPOSE:

To establish a policy for lateral transfers by City employees.

II. STATEMENT OF POLICY:

- a. All openings for City positions will be posted for a minimum of five (5) business days.
- b. Any current employee (regular full-time or part-time) interested in applying for a transfer must file a completed City application in NeoGov in accordance with instructions listed on the employment opportunities notice.

- c. If the employee meets the stated requirements for the position he/she may proceed through the regular hiring procedures with all other applicants as described in the Administrative Policy on **HIRING PROCESS**. Transfers are made only when the City's service will benefit. Current City employment is one factor which may be considered in determining who will be selected to fill open positions.
- d. The personnel file of the transfer applicant will be made available to the department head responsible for filling the open position.
- e. If the current employee is selected, his/her department head will be advised prior to the offer being made to the employee.
- f. If the employee accepts the position, it will be the responsibility of the two department heads to reach agreement on a transfer date. In the event satisfactory agreement cannot be reached on this matter, it will be forwarded to the City Manager for a decision. Every effort should be made to accomplish the transfer within two weeks of the offer's acceptance.
- g. The salary offered to the employee must be consistent with the salary and requirements of the new position.
- h. Transferred employees, who are not on initial probation, will serve a trial period in his/her new position as outlined in the Probation & Trial Period Policy.
- i. Transfers do not change a person's date of hire. However, the anniversary date for future step increases will be revised to coincide with the transfer date.
- j. Transfers may also be initiated by the City in instances where the City's best interests may be served.
- k. Additional information is included in the Administrative Policies on **PROMOTIONS** or **DEMOTIONS**.

SECTION 50-8 PAY PERIODS

I. PURPOSE:

To establish a uniform pay period schedule for City employees.

II. STATEMENT OF POLICY:

- a. It is the goal of the Finance Office that each employee receive correct paychecks on a consistent schedule.
- b. Employees shall be compensated bi-weekly.

III. TIME REPORTING PROCEDURE:

- a. Employees are responsible for completing their time sheets, or other City approved timekeeping method, and providing them to their supervisors at the end of the pay period. Employees should make sure that their time sheet is correct before they sign it.
- b. Supervisors are responsible for certifying that time sheets are correct by signing every time sheet.
- c. Time records for employees are due in the Finance Office by 10:00a.m. on the Monday following the Sunday completing the work period for the respective employees.
- d. Paychecks for employees are issued on the Friday following the Monday when time reports are due in the Finance Office.

IV. SPECIAL PAYROLL CHECKS DUE TO ERRORS:

- a. If an incorrect paycheck is issued because the supervisor or employee failed to post the time sheet correctly, a special paycheck will not be processed. If an incorrect paycheck is issued because the Finance Office made an error in entering time and the time sheet was correctly posted, a special paycheck will be processed as soon as possible. All adjustments because of errors will be made no later than the following pay period, or the pay period following determination of the error.
- b. When an incorrect paycheck is issued (either overpayment or underpayment), the employee should notify the Finance Office as soon as possible.

SECTION 50-9 WORKING OUT OF CLASSIFICATION PAY

I. PURPOSE:

To define and delineate circumstances when an employee will receive compensation for the performance of duties in a higher classification than he/she normally performs.

II. APPLICABILITY:

- a. The provisions of this policy apply to all employees of the City unless existing CBA specifically provide for a Working Out of Classification procedure.

III. STATEMENT OF POLICY:

- a. Compensation for working out of classification is provided as monetary recognition to an employee for the assumption and performance of duties normally performed by an employee of higher classification.
- b. The assumption and performance of the duties of the higher classification must encompass the full range of responsibilities of the higher classification. This shall not apply to temporary assignments, which are made pursuant to prior mutual agreement between the employee and his or her immediate supervisor for providing a training opportunity to the employee, or for coverage of a temporary vacancy due to illness,

vacation, or other leaves. Such temporary mutual agreements shall be for a mutually agree upon time period.

- c. Except as provided in paragraph 2 above, the performance of such duties must be for an extended period of time, wherein a need exists to fulfill the duties and responsibilities of the vacant position. An extended period of time is generally considered as an assumption of duties and responsibilities that will last in excess of two (2) weeks.
- d. Working out of classification compensation shall be allowed only after written recommendation of the Department Head and concurrence by Human Resources with approval by the City Manager. Recommendation and designation shall be accomplished prior to the assumption of higher classification responsibilities.
- e. In accordance with CalPERS regulations and for a limited duration, an employee may be appointed to an upgraded position/higher classification in a position that is vacant during a recruitment for a permanent appointment. An employee may not be appointed to an upgraded position/higher classification to a position that is temporarily available due to another employee's leave of absence. Such an appointment shall not exceed a total of 960 hours per fiscal year, in accordance with CalPERS regulations and in accordance with Gov't Code Section 20480.
- f. The employee's compensation will be increased to the starting salary of the higher classification in which the employee is substituting or a minimum of 5% above the current salary, whichever is greater.
- g. When the temporary assignment is completed, the employee's salary will be readjusted to its previous level, including any general salary adjustment occurring during the temporary assignment. The employee's date of hire and anniversary date will remain unchanged throughout the temporary assignment.
- h. In accordance with CalPERS regulations, out-of-class is only available when an employee is appointed to fill a position for a limited duration that is vacant during recruitment.

SECTION 60-1 VACATION LEAVE

I. PURPOSE:

To outline the policy on vacation leave.

II. STATEMENT OF POLICY:

a. Eligible Employees

Full-time employees shall be eligible to use vacation accruals as they are earned provided they have obtained approval from their supervisor. An employee who transfers from a leave-accruing position to a non-leave accruing position shall have accruals suspended and balances frozen until he or she returns to a leave-accruing position or separates from employment.

b. Approval

Vacation leave shall not be taken by employees without prior supervisory approval. Supervisors shall be responsible for scheduling and approving employee vacation leave according to the operational needs of the department.

c. Accrual Rates And Maximums

- i. Full-Time Employees shall accrue vacation leave in direct proportion to the employees' regular work schedule as indicated in the table below. Vacation accruals are earned on a bi-weekly basis (26 times per year).
- ii. Except in the case of furloughs, no vacation leave shall accrue when an employee is on unpaid leave. Employees may not carry over more than the maximum accrual from one fiscal year to the next. No employee shall earn vacation in excess of maximum accruals. Accrual rates shall be based on the number of service months calculated from the employee's adjusted service date and shall change according to the following schedule in the pay period immediately following the anniversary of the employee's adjusted service date:

Full-Time Employees

Months of Service	Days of Vacation per Year	Bi-Weekly Accrual	Maximum Accrual
0 - 24 months	11	3.39 hours	176 hours
25 - 48 months	13	4.00 hours	208 hours
49 - 108 months	15	4.62 hours	240 hours
109 - 168 months	18	5.54 hours	288 hours
169 - 239 months	19	5.85 hours	304 hours
240+ months	20	6.15 hours	320 hours

d. Restricted Use At Resignation

Vacation leave and floating hours shall not be used within an employee's final fourteen (14) calendar days of employment after the employee's notice of resignation or retirement, nor shall vacation leave be used to extend an employee's final day of employment unless approved by the City Manager, or designee.

e. Accrued Vacation Payout At Separation

Eligible employees who separate from service shall be compensated for unused vacation accruals up to the maximum fiscal year carry-forward amount through the date of separation. Payment shall be based on the current rate of pay at the time of separation.

f. Accrued Vacation Payment Upon Death

In the event of employee death, the beneficiary under the City of Lemoore’s group life insurance benefit shall be paid for the employee’s unused vacation leave. Unless otherwise designated by the employee in writing on a form approved by Human Resources, the beneficiary shall be compensated for unused vacation accruals up to the maximum fiscal year carry-forward amount through the date of death. Payment shall be based on the current rate of pay at the time of death.

g. Vacation/Overtime

Hours accounted for by vacation leave shall be considered hours worked for the purpose of calculating overtime hours earned in a work week, unless otherwise established by a CBA.

SECTION 60-2 SICK LEAVE

I. PURPOSE:

To outline the policy of sick leave.

II. STATEMENT OF POLICY:

a. Sick leave shall be granted in accordance with this policy or applicable CBA. A director may require, at any time, an employee who reports sick to submit a written statement by a physician certifying the length of the employee’s absence and specific limitations or restrictions, if any, for the employee. The director also may require a written physician’s statement to verify that an employee is able to resume normal duties or Human Resources may require an employee to participate in a fitness for duty examination/evaluation as allowed by law or the CBA.

III. ACCRUAL RATES:

a. Sick leave shall accrue in direct proportion to the employee’s regular work schedule as indicated below. Sick leave accruals are earned on a bi-weekly basis; 26 times per year. No Sick Leave shall accrue when an employee is on unpaid leave. Part-Time/Hourly employees will be credited with twenty-four (24) hours of paid sick leave at the beginning of each fiscal year. Employees must be employed for 90 calendar days before any sick leave may be taken. An employee may not use paid sick leave hours before they are available.

	Annual Accrual	Bi-weekly Accrual
Full-time Employees	96 hours	3.69 hours
Part-time Employees	24 hours	Front loaded each fiscal year

IV. RESTRICTED USE AT RESIGNATION:

a. Sick leave shall not be used within an employee’s final fourteen (14) calendar days of employment upon the employee’s notice of resignation or retirement, nor may sick leave be

used to extend an employee's final day of employment, unless approved by the City Manager, or designee.

V. PAYMENT OF SICK LEAVE:

- a. Upon separation, no payment of any sick leave that has been accrued during the employee's employment will be due or paid.

VI. SICK LEAVE MAY BE GRANTED FOR:

- a. Illness;
- b. Injury;
- c. Medical disability;
- d. Maternity-related disability, including prenatal care, birth, miscarriage, abortion, or other medical care for either the employee, a child, or spouse.
- e. Quarantine resulting from exposure to contagious disease;
- f. Medical, dental, or eye examination or treatment;
- g. Hospitalization;
- h. Necessary care or attendance to an immediate family member or, at the Department head's discretion, another relative, for the above reasons until other attendance can be reasonably obtained. Sick leave use for care of a family member is capped at 48 hours per fiscal year.
- i. Death or funeral for an immediate family member, or at the Department head's discretion, another person.

VII. SICK LEAVE/VACATION LEAVE:

- a. If all sick leave credits have been used, an employee who is eligible, and with the department head's approval, may use vacation leave.

VIII. SICK LEAVE/OVERTIME:

- a. Hours accounted for by sick leave time shall not be considered hours worked for the purpose of calculating overtime hours earned in a workweek, unless otherwise established by a CBA.

IX. ABUSE OF SICK LEAVE:

- a. The employee sick leave program is designed to provide employees with two benefits:
 - i. Available paid leave for a reasonable amount of short-term illnesses, and;
 - ii. Provide a savings bank of time to ensure available paid leave for long-term illnesses. Employees are responsible for the appropriate use of their sick leave.
- b. In order to ensure that the sick leave program is being utilized for both purposes, all city employees are monitored to ensure that their use of sick leave benefits are not abused, this also includes "excessive usage" which is defined as follows:
 - i. Sick Leave Abuse means misrepresentation of the actual reasons for charging an

absence to sick leave, and may include chronic, persistent, or patterned use of sick leave not defined as a Family Medical Leave Act (FMLA) qualifying or American Disabilities Act (ADA) event. Indications of sick leave abuse may include but are not limited to the following:

1. A pattern of using sick days the day before, or the day after, regularly scheduled days off or Holidays.
 2. Continued call-ins for illness on Holidays for which the employee is scheduled to work.
 3. A pattern of sick leave on the same day of the week, or month.
 4. A pattern of using sick leave on, or the day after, payday.
 5. An employee's use of a majority of or all of his/her earned sick leave, unless obvious mitigating circumstances are present.
 6. Witnessing of an employee's activities while on sick leave which indicates that he/she is not using sick leave properly; such as recreating, attending social functions or performing alternative work.
- c. Employees who engage in sick leave abuse, and/or show a pattern of failing to notify their supervisor of absences may be subject to corrective discipline up to and including termination.
- d. This section would not apply to employees who have depleted their leaves due to long term confirmed chronic medical problems as defined under FMLA or the ADA, which may result in numerous absences from their job through no fault of their own. These cases will be evaluated on a case-by-case basis as to the appropriate city action.
- e. Reprimand and Discipline.
- i. Once an employee has been identified as having abused sick leave usage, as defined above, the employee normally will first be counseled by their supervisor advising them of the policy related to abuse of sick leave.
 - ii. Absences improperly charged to sick leave may, at the agency's discretion, be charged to available compensatory time or leave without pay. Annual leave may be used at the mutual agreement of the employee and the agency.
 - iii. Continued abuse following the first counseling session will result in discipline up to and including termination.

X. EFFECT OF EXTENDED LEAVE OF ABSENCE ON QUALIFYING WORK PERIOD:

- a. When an employee who has not worked the qualifying period (defined as the period of 90 days before use of sick leave can begin) for use of sick leave takes an approved continuous leave of absence without pay exceeding 15 working days, the amount of time on leave of absence will not count toward completion of the qualifying period. An approved continuous leave of absence without pay of 15 working days or less will be counted as time earned toward the 90-day qualifying period.

XI. SICK LEAVE REQUESTS:

- a. It is City policy for employees to report illnesses to supervisors or other department officials at the earliest possible time, but not to exceed thirty (30) minutes following the scheduled time to report to duty (except in extenuating circumstances). Employees who do not report to work and fail to notify their supervisors will be considered AWOL (Absent Without Leave) and may not be paid for time off. It shall be the responsibility of the employee, and not a third party, to notify the supervisor of the absence.
- b. The employee's immediate supervisor or department head may require medical certification of sick leave charged against any sick leave credits.
- c. Medical certification may also be required to certify that the illness of a family member required the immediate attention of the employee.
- d. Medical certification of maternity-related sick leave must be obtained in the same manner and under the same conditions as certification for other sick leave.

SECTION 60-3 HOLIDAYS AND HOLIDAY PAY

I. PURPOSE:

To provide for the uniform administration of City holidays.

II. STATEMENT OF POLICY:

Regular full-time employees are entitled to paid time off for all recognized legal holidays. Holidays are compensated at eight hours per holiday (regardless of shift schedule).

III. CITY-RECOGNIZED LEGAL HOLIDAYS:

January 1 st	New Year's Day
Third Monday in January	Martin Luther King Jr. Day
Third Monday in February	Presidents' Day
Last Monday in May	Memorial Day
July 4 th	Independence Day
First Monday in September	Labor Day
November 11 th	Veterans Day
Fourth Thursday in November	Thanksgiving Day
Friday after Thanksgiving	Day after Thanksgiving Day
December 24 th	Christmas Eve
December 25 th	Christmas Day
December 31 st	New Year's Eve

IV. If any of the above holidays fall on a Saturday, it shall be observed on Friday. When a holiday falls on a Sunday, it shall be observed on the following Monday. For employees scheduled to work the holiday, the holiday shall be observed on the actual holiday.

V. Holiday Paid Time off shall not be considered hours worked for the purpose of calculating overtime hours earned in a work week, unless otherwise established by a CBA.

SECTION 60-4 FLOATING HOLIDAYS

II. PURPOSE:

To provide for the uniform administration of City floating holiday benefits.

III. STATEMENT OF POLICY:

Regular, full-time employees are entitled to 16 hours of floating holiday per fiscal year.

- a. 16 hours shall be posted on the first pay period following July 1st of each year. Any employee hired after July 1st will have the 16 hours prorated based on the number of pay period remaining in the fiscal year.
- b. The floating holidays may not be carried over to the next fiscal year, and are considered “use it or lose it” benefit.
- c. Floating holidays may be used at any time during the year, however time off utilizing floating holidays must be approved by a supervisor prior to use.
- d. Floating Holiday time shall not be considered hours worked for the purpose of calculating overtime hours earned in a work week, unless otherwise established by a CBA.

SECTION 60-5 MANAGEMENT LEAVE

I. PURPOSE:

- a. To establish procedures by which exempt employees are compensated for extraordinary hours periodically required for the performance of their positions.

II. STATEMENT:

- a. Exempt employees are allocated either eighty (80) hours or sixty-four (64) hours of management leave per fiscal year, determined by position.
- b. Management leave benefits are reflected in the Unrepresented Employees Benefit Matrix.
- c. The City Manager shall have the right to modify the Unrepresented Employee Benefit Matrix at any time.
- d. Management Leave is on a “use it, or lose it” basis, and any unused hours shall not be carried over to the next fiscal year.
- e. Management Leave is not paid out to the employee upon separation of employment.

SECTION 60-6 LEAVE OF ABSENCE WITHOUT PAY

I. PURPOSE:

- a. To establish procedures by which an employee may request a voluntary leave of absence from employment with the City.
- b. To establish conditions under which approved requests for a voluntary leave of absence are administered.
- c. To formalize past city practice regarding employment of city employees on extended temporary disability leave, resulting from work-related illness or injury to the employee.

II. STATEMENT OF POLICY:

a. Voluntary Leave Without Pay

- i. Requests for a voluntary leave of absence without pay shall be in writing and shall state specifically the reason for the request, the date desired to begin the leave, and the date of return. The request shall normally be submitted by the employee to the affected department head. The department head shall recommend to the City Manager whether the request should be granted, modified, or denied. The City Manager shall then make a decision based upon the best interest of the City, giving due consideration to the reasons given by the employee, and the requirements of any applicable state and federal laws.
- ii. The City Manager may grant a full-time regular employee a leave of absence without pay not to exceed ninety (90) days for non-medical purposes. Non-medical leave is unpaid leave time for career advancement, personal or family situations. Such leave may be granted after vacation and compensatory time accruals have been exhausted. Sick leave accruals may not be used for non-medical leaves.
- iii. No sick leave, holiday, vacation benefits or any other fringe benefits shall accrue while the employee is on leave of absence without pay.
- iv. All time in leave of absence status without pay is credited toward an employee's service time for the purpose of determining their earning rates. Service to the City is not interrupted by authorized leave of absence.
- v. Time on leave of absence is not allowed in computing service time for retirement purposes under Public Employees' Retirement System.
- vi. Any employee on an approved leave of absence may continue his or her medical, dental and optical insurance coverage by paying the full cost to the City in advance for each month or portion thereof for which he or she is absent, subject to limitations set by the insurance carrier.
- vii. Upon expiration of the leave of absence, the employee shall be reinstated in the position held at the time the leave was granted or another equivalent position.
- viii. Upon extenuating circumstances, the City Manager, or designee, may grant an extension of a leave period upon written request by the employee. Such extension may not exceed three months and will be based on departmental as well as employee

considerations.

- ix. Employees who fail to return to work on the date specified in the leave request without receiving an extension in advance are subject to disciplinary action up to and including termination.
- b. Extended leaves of absence resulting from work-related illness or injury.
- i. Leaves of absence for temporary disability resulting from work-related illness or injury lasting more than thirty (30) consecutive days, shall be considered extended disability leaves of absence without pay under this policy.
 - ii. Any employee suffering a work-related illness or injury for which Worker's Compensation wage loss benefits are paid for more than thirty (30) consecutive days, shall be entitled to request a leave without pay, inclusive of leave time permitted under the city's policy for Family and Medical Leave (FMLA). Medical certification supporting the need for an extended leave of absence shall be submitted to the city and may be executed by a person licensed by the State of California to practice medicine, osteopathy, podiatry, dentistry, clinical psychology, optometry, or chiropractic, or by a nurse practitioner or nurse midwife authorized by State law.
 - iii. Such extended leave requests shall be made, in writing, to the affected employee's department head, who will then review and forward such request to the City Manager, together with a recommendation, taking into consideration the affected department's operational needs. The City Manager shall then make a decision in his/or her discretion regarding whether or not to approve the extended leave request in accordance with applicable law and the city's operational needs.
 - iv. Extended temporary disability leave without pay will be considered or granted only after the affected employee has exhausted all accrued sick leave, vacation leave, compensatory time, and FMLA benefits.
 - v. If granted, the employee shall submit medical re-certifications documenting the continued need for extended leave once each thirty (30) days while on leave.
 - vi. Re-certifications may be obtained earlier than every thirty (30) days if:
 1. circumstances described by the previous certification have changed significantly (e.g., duration, frequency, or severity of the condition); or
 2. the employer receives information that casts doubt on the employee's stated reason for the absence.
 - vii. Before returning to work, the employee must provide the city with medical certification releasing the employee to return to work. Consistent with its obligations under the law, the City will engage in interactive communications with the employee and the employee's medical provider to determine what, if any, potential reasonable accommodations may exist, consistent with the city's operational needs and legal obligations. If appropriate, the employee or city may file for disability retirement. .
- c. Other rules applicable to extended disability leave.
- i. No sick leave, holiday, vacation benefits or any other fringe benefits shall accrue while the employee is on disability leave of absence without pay.
 - ii. All time in disability leave of absence is credited toward an employee's service time for the purpose of determining their earning rates. Service to the City is not interrupted by authorized leave of absence.

- iii. Time on disability leave of absence is not allowed in computing service time for retirement purposes under the Public Employees' Retirement System.
 - iv. Any employee on an approved disability leave of absence may continue his or her medical, dental and optical insurance coverage by paying the employee's share of the cost to the City in advance for each month or portion thereof for which he or she is absent, subject to limitations set by the insurance carrier.
- d. Upon expiration of the disability leave of absence, the employee shall be reinstated in the position held at the time the leave was granted or another equivalent position.

SECTION 60-7 ABSENCE WITHOUT LEAVE

I. PURPOSE:

To establish a policy of absences from work without permission.

II. STATEMENT OF POLICY:

- a. "Absence without leave" is defined as any period of time away from an employee's job which is not approved by the employee's supervisor or other appropriate authority.
- b. Employees are required to notify their supervisors or other appropriate department authority of the reason for absences. Failure to follow this policy is grounds for disciplinary action.
- c. Extended absence without leave is considered to be abandonment of position and an employee will be terminated. An extended absence shall be defined as two (2) consecutive working days, with no notification to the agency.

SECTION 60-8 MILITARY LEAVE

I. PURPOSE:

- a. To establish procedures for requesting and accounting for leaves of absence by employees of the City for participation in obligations with the United States Armed Forces.

II. STATEMENT OF POLICY:

- a. The City of Lemoore shall comply with all provisions outlined in the Uniformed Services Employment and Reemployment Rights Act (USERRA, 38 USC Sec. 4301, [4321] et seq) as well as all applicable state laws (to include California Military Service Employment Rights Act)..
- b. An employee who is a member of the California National Guard or any United States military force or Reserve Corps and who has been an employee for a period of six months shall be given leave of absence with pay accruing at a rate of 120 hours per calendar year, for performing military service.

- i. This leave will not be charged against the employee's annual vacation time.
 - ii. Unused military leave must be carried over to the next calendar year if applicable, but may not exceed a total of 240 hours in any calendar year.
 - iii. Employees employed less than six months are entitled to unpaid leave for the purposes listed above.
- c. The City shall add 120 hours of military leave for the current fiscal year to the employee's leave bank at the time military leave is requested by the employee. The employee shall be responsible for requesting military leave and providing all required documentation to Human Resources.

SECTION 60-9 JURY DUTY

I. PURPOSE:

To provide for the uniform administration of employees serving on juries.

II. STATEMENT OF POLICY:

- a. Employees will be allowed necessary time off without loss of pay for jury duty or when summoned to appear or participate in any court case or administrative hearing related to their duties. Employees must provide a certified document from the Courts verifying attendance for jury duty.
- b. Fees paid to the employee for such appearances shall be turned in to Human Resources or the employee may take annual leave and retain the fee. Employees may keep reimbursements for parking, mileage and meals.
- c. Employees must notify their supervisors and request leave as far in advance as possible.

SECTION 60-10 FAMILY AND MEDICAL LEAVE

I. PURPOSE:

- a. This policy outlines the basic procedures governing Family and Medical Leave. Family and Medical leaves are unpaid, job-protected leaves of absence by employees for child care, personal medical care, family medical care and certain other circumstances.
- b. This policy is intended to implement the Federal Family and Medical Leave Act ("FMLA"), as amended which became effective January 16, 2009. It is intended to be interpreted and applied consistently with those laws.

II. STATEMENT OF POLICY:

- a. An employee will be eligible to seek a Family and Medical Leave if:
 - i. the employee has worked for the City for at least twelve (12) months; and,
 - ii. the employee has worked for the City for at least 1,250 hours during the 12 months;

- iii. In certain circumstances, separate periods of employment are aggregated for purposes of meeting the 12-month requirement. Additionally, any time that the employee would have worked for the City but for his or her Armed Forces (including National Guard or Reserve) obligations is counted toward the 1,250 hour requirement for Family and Medical Leave.
- iv. The employee and spouse, if both employed by the City, are each eligible for up to twelve (12) weeks FMLA leave to care for a covered service member with a serious injury or illness, and for the birth and care of a newborn child, for placement of a child for adoption or foster care, or to care for a parent who has a serious health condition.
 - 1. The FMLA defines a child (“son or daughter”) as a “biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing “in loco parentis”, who is— (A) under 18 years of age; or (B) 18 years of age or older and incapable of self-care because of a mental or physical disability.”
 - a. “In loco parentis” is commonly understood to refer to a person who has put himself in the situation of a lawful parent by assuming the obligations incident to the parental relation without going through the formalities necessary to legal adoption. The FMLA regulations further defines “in loco parentis” as including those with day-to-day responsibilities to care for and financially support a child.
 - 2. Individuals claiming in loco parentis may be required to submit in writing confirming this status with the child.

III. TYPES OF FAMILY AND MEDICAL LEAVES:

For purposes of this policy, the term “Family and Medical Leave” refers to the leaves of absence under the FMLA. Eligible employees may qualify for any of six types of Family and Medical Leaves. Throughout this policy, the terms “Family and Medical Leave” and “FMLA Leave” refer to any of the following six types of leaves:

- a. Pregnancy Leave
 - i. An employee may take Pregnancy Leave due to incapacity due to pregnancy, prenatal medical care or child birth.
 - ii. Pregnancy leave will run concurrently with FMLA leave.
- b. Birth, Adoption and Child Care Leave
 - i. An employee may take a Birth, Adoption and Child Care Leave to care for his or her child after birth, or for placement with the employee of a child for adoption or foster care. The leave must be completed within 12 months of the child’s birth, adoption or foster care placement.
- c. Family Illness Leave
 - i. An employee may take a Family Illness Leave to care for a seriously ill or injured spouse, parent or child.
 - ii. The illness or injury must be a “serious health condition” within the meaning of the

FMLA, a term which is defined below.

- iii. If the leave is for the care of a child, the child must either be under age 18 or be unable to care for himself or herself due to a mental or physical disability.
- d. Employee Illness Leave
 - i. An employee may take an Employee Illness Leave because of a serious health condition that makes the employee unable to perform his or her job.
- e. Qualifying Exigency Leave
 - i. An eligible employee is eligible for up to a total of 12 work weeks of unpaid leave during the normal 12-month period established by the City for FMLA leave for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. Under the terms of the statute, qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves; it does not extend to family members of military members in the Regular Armed Forces. Qualifying exigencies include:
 - 1. Issue arising from a covered military member's short notice deployment (i.e., deployment on seven or less days of notice) for a period of seven days from the date of notification;
 - 2. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member;
 - 3. Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;
 - 4. Making or updating financial and legal arrangements to address a covered military member's absence;
 - 5. Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member;
 - 6. Taking up to five days of leave to spend time with a covered military member who is on short-term temporary, rest and recuperation leave during deployment;
 - 7. Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member;

8. Any other event that the employee and employer agree is a qualifying exigency.
- ii. FMLA leave may be taken intermittently whenever medically necessary to care for a covered service member with a serious injury or illness. FMLA leave also may be taken intermittently for a qualifying exigency arising out of the active duty status or call to active duty of a covered military member. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operation.
 - iii. Under certain conditions as noted below, employees or employers may choose to "substitute" (run concurrently) accrued paid leave (such as sick, comp, personal day or vacation leave) to cover some or all of the FMLA leave.
 1. Upon the birth of a child to an eligible employee, or the placement of an adopted or foster child with an eligible employee, that employee is entitled to FMLA leave. The leave must be completed within one year of the birth or placement of the child. The leave shall be unpaid unless it qualifies under the sick leave policy or unless the employee elects to use accrued vacation leave, accrued comp time or their annual "personal holiday", for part or all of such leave.
 2. FMLA Leave which qualifies for sick leave shall be paid leave to the extent that the employee has accrued sick leave credits. When an employee has exhausted accrued sick leave, FMLA leave shall be unpaid leave, except that the employee may elect to use accrued vacation leave for part or all of the unpaid leave.
- f. Military Caregiver Leave
- i. An employee who is a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness up to a total of 26 workweeks of unpaid leave during a "single 12-month period" to care for the service member.
 - ii. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.
 - iii. A serious injury or illness is one that was incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating.
 - iv. The "single 12-month period" for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12 month period established by the employer for other types of FMLA leave. An eligible employee is limited to a **combined** total of 26 workweeks of leave for any FMLA-qualifying reason during the "single 12-month period." (Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.)

IV. SERIOUS HEALTH CONDITION:

- a. A "serious health condition" is an illness, injury impairment or physical or mental

condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the employee from performing the essential functions of the employee's job or prevents the qualified family member from participating in school or other daily activities.

- b. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity or more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

V. NOTICE AND SCHEDULING OF LEAVE AND RELATED EMPLOYEE RESPONSIBILITIES:

a. Required Information

- i. Employees who seek a Family and Medical Leave must provide sufficient information for Human Resources to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, or the need for hospitalization or continuing treatment by a health care provider or circumstances supporting the need for a Qualifying Exigency Leave or a Military Caregiver Leave. Employees must also inform Human Resources if the requested leave is for a reason for which a Family and Medical Leave was previously taken or certified. Failure to provide sufficient information may result in denial of leave.
- ii. Employees will also be required to provide a certification and periodic recertification supporting the need for leave. Unless a longer period is specified, a medical certification or recertification must be completed and returned to the City within ten (10) days of the City's request. Moreover, employees on leave may be contacted periodically for updates concerning their status and intent to return. Employees are expected to be fully responsive to such requests for updates.

b. Advance Notice of Foreseeable Leave

Except as otherwise provided below, employees must provide 30 days' advance notice of the need to take a Family and Medical Leave with the need for the leave is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable.

c. Form of Notice of Foreseeable Leave

An employee requesting Family and Medical Leave shall submit a "Leave of Absence Application" to his or her department head. Upon notification of the leave request, Human Resources will forward the "Certification of Health Care Provider" or the "Certification for Serious Injury or Illness of Covered Service Member for Military Caregiver Leave" to the employee. This form must be returned to Human Resources within 10 calendar days.

- i. The certification shall be filed on a form provided by Human Resources;
- ii. Recertification shall be filed on the same form by the employee anytime that the employee seeks an extension to his or her leave or every six months;
- iii. The information required on the “Leave of Absence Application” form is the only information that may be requested by the Department head to support the leave request.
- iv. The “Certification of Health Care Provider” form(s) may be executed by a person licensed by the State to practice medicine, osteopathy, podiatry, dentistry, clinical psychology, optometry, or chiropractic, or by a nurse practitioner or nurse midwife authorized by State law, or Christian Science practitioners appropriately listed.
- v. The “Certification for Serious Injury or Illness of Covered Service Member for Military Caregiver Leave” must be completed by a United States Department of Defense (DOD) Health Care Provider or a Health Care Provider who is either:
 1. a United States Department of Veteran’s Affairs (VA) health care provider;
 2. a DOD Tricare network authorized private health care provider; or,
 3. a DOD non-network Tricare authorized private health care provider.

d. Scheduling of Foreseeable Leaves

If an employee plans to take a Family Illness Leave, an Employee Illness Leave or Military Caregiver Leave because of planned medical treatment, the employee must make an effort to schedule the treatment to reduce the disruption to the City, subject to the health care provider’s approval. An employee should generally consult with his or her supervisor to explore alternatives to reduce disruption to the City.

e. Notice of Unforeseeable Leave

When a Family Illness Leave, an Employee Illness Leave, Military Caregiver Leave or Qualifying Exigency Leave is needed due to a reason that was not foreseeable, the employee should give Human Resources verbal or written notice as soon as he or she reasonably can. As soon as practicable, the written notices set forth above in paragraphs V.C.(1) – (5), shall be completed by the employee requesting unforeseeable leave.

f. Effect of Insufficient Notice

An employee’s failure to give adequate notice may delay, or may result in the denial of, the employee’s right to take Family and Medical Leave.

VI. CONFIRMATION OF LEAVE:

- a. The City will inform employees who request Family and Medical Leave whether they are eligible for a leave that is covered by the FMLA within five (5) business days, absent extenuating circumstances. If the leave is approved, Human Resources will send a “Notice of Eligibility and Rights & Responsibilities” form to the employee.
- b. If they are not eligible and the leave is denied, the reason will be stated on the form. If the

leave is approved, the Human Resources Department will forward a “Designation Notice” to the employee.

VII. LENGTH OF LEAVE AND RESTORATION RIGHTS:

a. In General

- i. In general, except for those employees taking Military Caregiver Leave, an employee will be entitled to a maximum of 12 weeks of Family and Medical Leave during any 12-month period. The 12-month period is a “rolling” period measured backward from the date an employee uses any leave under this policy. Each time an employee takes any Family and Medical Leave, the remaining leave entitlement will be any balance of the 12 weeks that has not been used during the immediately preceding 12 months.
- ii. In the case of Military Caregiver Leave, an employee is entitled to a maximum of 26 weeks of leave in the 12-month period beginning on the first day that the employee takes this form of leave and ending 12 months later.

b. Nature of the Leave

- i. Unless otherwise approved, a Birth, Adoption and Child Care Leave must be taken at one time and must be taken before the end of the 12-month period beginning on the date of the child’s birth or placement. The other Family and Medical Leaves may be taken through either a reduced working schedule or intermittently if such an arrangement is medically necessary, or if the City approves such an arrangement in its sole discretion.
- ii. If an employee is entitled to a Family Illness Leave, an Employee Illness Leave or a Military Caregiver Leave or if the employee is permitted to work on a reduced work schedule or intermittent basis, the City may transfer the employee temporarily to a position for which he or she is qualified and which has equivalent pay and benefits if the alternative position would better accommodate the recurring leaves than the employee’s regular position. Use of intermittent or reduced schedule leave is measured in increments of one hour.
- iii. Qualifying Exigency Leave may also be taken on an intermittent basis.

c. Restoration Rights

i. In General

At the end of a Family and Medical Leave, an employee will generally have the right to return to his or her last position before the leave or to an equivalent position with equivalent benefits, pay, accumulated seniority, retirement, fringe benefits, service credits and other terms and conditions of employment. In returning from any of these leaves, the employee will not lose any benefit rights, such as vacation, to the extent that those benefit rights accrued before the leave period. However, an employee returning from Family and Medical Leave will not acquire greater rights to a position than any other employee in the event positions are eliminated during his or

her leave.

ii. Extension of Leave

In the event that a Family and Medical Leave is extended beyond a level totaling 12 weeks of leave over 12 months (or 26 weeks in the case of Military Caregiver Leave), the leave will become “personal leave” and the City will consider the possibility of restoration but will not guarantee restoration. The determinations regarding whether to grant an extension and to grant restoration after an extension will be made in the City’s sole discretion after considering factors such as the purpose of the leave extension, the employee’s length of service, the employee’s overall employment record, the employee’s position, and the City’s assessment of its needs. For details on the duration of and procedures associated with personal leave, see the “Leaves of Absence Without Pay” section of this manual.

iii. Certification Before Return

Before an employee may return from an Employee Illness Leave that has continued at least 90 calendar days, the employee’s health care provider may be required to certify that the employee is able to resume his or her job. The cost of the certification shall be borne by the employee and the employee is not entitled to be paid for the time or travel costs spent in acquiring the certification.

VIII. PAY AND BENEFITS:

a. Pay

- i. Family and Medical Leaves shall be recorded on time sheets as it is taken. Family and Medical Leaves are not paid leaves. However, an employee may substitute a paid leave for which the employee is eligible for an otherwise unpaid leave. Such a substitution will be counted against the employee’s use of leave. The leave will remain subject to all protections that would apply if the leave was taken on an unpaid basis. For example, if the Family and Medical Leave is paid leave from accrued vacation or sick leave, it shall be recorded as both on the time sheet and deducted from both. Family and Medical Leave will run concurrently with vacation or sick leave and time off for worker’s compensation injuries. Employees who seek paid leave will need to meet the notice and qualification requirements under the paid leave policy.
- ii. If no other paid leave is available but an employee is eligible for accrued paid leave such as vacation pay or paid personal days, the employee will be required to use that accrued leave during a leave under this policy until that leave is exhausted.

b. Maintenance of Health Benefits

- i. During a Family and Medical Leave, the City will continue the employee’s health insurance coverage, provided that the employee pays for the regular employee share of such coverage on a timely basis as if he or she had remained actively employed. During any paid leave, the employee share of the premiums will be deducted from the employee’s pay. During the unpaid portion of a Family and Medical Leave, the employee will be required to pay the employee’s share by delivering the payment so that it is received by the City no later than the established date as determined by Finance.

- ii. If the employee fails to return from the leave, the City may be entitled to recover from the employee the portions of the health insurance premiums that were paid by the City with respect to the unpaid leave. The City will be entitled to recover these amounts unless the employee's failure to return was due to a serious health condition (within the meaning of the FMLA) or if there are other circumstances beyond the employee's control. If the employee states that he or she is unable to return from the leave because of a serious health condition, the City may require the employee to provide a medical certification.

IX. MEDICAL RECORDS:

Documents relating to medical certifications, recertification's of employees or employees' family members will be maintained separately and treated as confidential medical records, except that in some legally recognized circumstances, the records (or information in them) may be disclosed to supervisors or Department heads, first aid and safety personnel, or government officials.

X. FMLA VIOLATIONS AND ENFORCEMENT:

a. Unlawful Actions by Employers

The FMLA makes it unlawful for any employer to:

- i. Interfere with, restrain, or deny the exercise of any right provided under the FMLA; or,
- ii. Discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or related to the FMLA.

b. Enforcement

- i. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.
- ii. The FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

SECTION 60-11 PREGNANCY DISCRIMINATION ACT

I. PURPOSE:

The City of Lemoore will conform to the Pregnancy Discrimination Act (Civil Rights Act of 1964 as amended, Title VII, Section 701 et seq.) as well as all relevant pregnancy leave provisions in federal, state and local statutes.

II. STATEMENT OF POLICY:

- a. A female employee will not be terminated because of her pregnancy.
- b. Employees who are disabled as a result of pregnancy will not be denied any compensation that they are entitled to as a result of the accumulation of leave benefits accrued; however, the City of Lemoore reserves the right to require medical verification that the employee is not able to perform employment duties.
- c. The City of Lemoore will grant the employee a reasonable leave of absence for pregnancy but will not require an employee take a mandatory maternity leave for an unreasonable length of time.
- d. Employees should notify their supervisor or their designee of a desire to take Maternity Leave upon confirmation of pregnancy. As soon as reasonable, the employee should report the expected due date, the estimated leave of absence, and anticipated complications that may affect current leave requests.
- e. Upon signifying intent to return to work at the end of the leave of absence, the employee will be reinstated to the original job and/or equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits, and other benefits.

SECTION 60-12 CATASTROPHIC LEAVE

I. PURPOSE:

To establish a consistent policy with regard to the procedures for administering Catastrophic Leave.

II. STATEMENT OF POLICY:

This policy applies to all employees hired by the City of Lemoore.

The following procedures should be followed in the administration of Catastrophic Leave.

- a. Catastrophic leave benefits have been established for City employees who have exhausted all accumulated vacation, sick leave and compensatory time off. The purpose of this benefit is to provide a portion or all of the employee's pay during the time the employee would otherwise be on medical leave of absence without pay pursuant to the City's Personnel Rules. Catastrophic leave benefits are contingent on the receipt of donated time in the manner described below.
- b. Catastrophic leave shall conform to the guidelines for leave of absence without pay set forth in the City's Personnel Rules except that, during the portion of the leave of absence that is also catastrophic leave, the employee will be paid. Although employees on catastrophic leave will receive catastrophic pay, for all other purposes, except as indicated below, such employees will be considered on leave of absence without pay pursuant to the City's Personnel Rules and they shall not accrue any leave rights while on catastrophic leave.

- c. In no event, may an employee take more than six (6) months of catastrophic leave during any twelve (12) month period. To calculate the remaining leave entitlement, the balance shall be any balance of the six (6) months that has not been used during the immediately preceding 12 months.
- d. Catastrophic leave and leaves of absence without pay shall run concurrently.
- e. An employee is eligible for catastrophic leave when the employee faces injury, prolonged illness (based on documented medical evidence), or death of the employee or a family member which will result in the employee being absent from work. Family members include the employee's spouse, parent, child, foster child, or other family member approved by the City Manager.
- f. Catastrophic leave requests are not accepted, or considered, for pregnancy related leave. Any event during pregnancy or birth that has resulted in a significant medical condition or illness may be considered.
- g. Any City employee may donate vacation and/or compensatory time to any covered employee who meets the conditions described above. Employee may not donate sick leave, holiday, floating holiday, or any other leaves.
- h. Employees (or their designees) requesting establishment of a catastrophic leave bank must submit a written request to Human Resources. The request must provide sufficient information to enable the City Manager, or designee, to determine whether the reason for the leave qualifies as catastrophic. This information will be maintained confidentially to the extent required by law. Catastrophic leave requests for injury/illness must include supporting medical verification from a licensed physician. Leave requests must include the estimated date of return to work.
- i. Catastrophic leave may be considered for an employee who has not exhausted all of his or her personal sick leave due to the Family Sick Leave policy (cap of 48 hours per fiscal year). In the event that the City Manager authorizes catastrophic leave based on the information provided by the employee, the employee will be allowed to use remaining sick leave balances during the approved catastrophic leave period. No request for leave hour donations will be requested from other employees, until such time that leave balances of the requesting employee have been exhausted.
- j. Human Resources will canvass employees for leave donations and donations are voluntary.
- k. Donations must be made on the City-approved authorization form submitted to Human Resources to be deducted in the order received. All donations are irrevocable. Donations are taxable on the part of the recipient, in accordance with IRS regulations, and are subject to withholding as required by law.
- l. Donations must be a minimum of two (2) hours. The donated hours will be allocated to the requesting employee on an hour for hour basis.

- m. Health insurance coverage and retirement contributions will continue in the same manner as if the recipient employee was on sick leave. The recipient employee will not accrue sick leave or vacation benefits while using catastrophic leave.
- n. Catastrophic leave shall be terminated when one or more of following occurs:
 - i. The employee has exhausted six (6) months of catastrophic leave during the period defined in Section 60-10, II(c) above.
 - ii. The employee has exhausted all of his or her rights under the City's Personnel Rules for unpaid medical leaves of absence, whether paid in part or in full from catastrophic leave.
 - iii. Donated leave balance has been exhausted.
 - iv. Death of the ill or injured employee or subject family member.
 - v. The employee returns to full-time, active City employment

SECTION 60-13 BEREAVEMENT LEAVE

I. PURPOSE:

To outline the policy of bereavement leave.

II. STATEMENT OF POLICY:

- a. Bereavement leave shall be granted in accordance with applicable law.
- b. In the event of the death of a family member other than a person related by blood, adoption, or marriage, or any person residing in the immediate household of the employee at the time of death, bereavement leave shall only be granted with the approval of the Department Director.
- c. Employees may receive up to three (3) days of leave following the death of a family member.

SECTION 70-1 DRIVER'S LICENSES

I. PURPOSE:

To establish a policy for the requirement of a valid California State Driver's License by employees whose jobs routinely involve driving City vehicles.

II. STATEMENT OF POLICY:

- a. Any employee whose work requires that he/she drive City vehicles must hold a valid

California State Driver's License.

- b. All new employees who will be assigned work entailing the operation of a City vehicle will be required to submit to a Department of Motor Vehicles driving records check as a condition of employment. A report indicating a suspended or revoked license status may be cause to deny or terminate employment.
- c. All employees are required to participate in the Department of Motor Vehicles Pull Notice program.
- d. Periodic checks of employees' driver's licenses through visual and formal Department of Motor Vehicles review checks shall be made by department heads or division supervisors. Any employee who does not hold a valid driver's license will not be allowed to operate a City vehicle until such time as he/she obtains a valid license.
- e. Any employee performing work which requires the operation of a City vehicle must notify his/her immediate supervisor in those cases where his/her license is expired, suspended or revoked and/or who is unable to obtain an occupational permit. If an employee fails to report such an instance, he/she is subject to disciplinary action, including demotion or termination. An employee who fails to immediately report such revocation or suspension to his/her supervisor and continues to operate a City vehicle shall be subject to possible termination.

SECTION 70-2 EMERGENCY CONDITIONS

I. PURPOSE:

To establish a policy for reporting to work in the event of emergency conditions. All City employees are considered disaster service workers under California State Law (California Government Code Section 3100).

II. STATEMENT OF POLICY:

- a. City offices and activities shall remain open and in operation during established working hours. All employees should make every attempt to report for work on a timely basis. If employees are unable to report to work, the following criteria shall apply:
 - i. The employee is responsible for contacting his/her supervisor or department head by telephone to indicate anticipated absence from work or late arrival to work and the reason.
 - ii. If an employee is unable to report to work, the absence may be charged as vacation or personal leave, or the employee may elect to take this time off without pay.
- b. Such leave cannot be used to offset absence from work for pay purposes for other than sickness.
- c. The City Manager shall be authorized to close City offices to protect the safety and

welfare of City employees. In this event non-exempt employees will be required to take sick leave or vacation time in order to receive pay for time missed due to the closure, unless otherwise approved by the City Manager.

SECTION 70-3 INSURANCE CLAIMS

I. PURPOSE:

To establish procedures for the handling of insurance claims against the City.

II. STATEMENT OF POLICY:

- a. No employee will discuss with anyone any matters involving claims against the City.
- b. All questions pertaining to claims shall be referred to the Human Resources, and/or designee.
- c. Claims for damages presented to the City shall be referred to Human Resources and/or designee for filing.

III. RESPONSIBILITIES:

- a. All City employees must notify their supervisor in the case of incidents involving potential claims immediately. The supervisor must report, orally and in writing, to Human Resources, and/or designee, within one (1) day. Items reported should include any property damage occurring during work for the City, no matter how small.
- b. Human Resources, and/or designee, is responsible for receiving all damage claims against the City and filing them appropriately with the City's insurance carrier.

SECTION 70-4 MINIMUM QUALIFICATION FOR THE OPERATION OF CITY-OWNED MOTOR VEHICLES AND PRIVATELY-OWNED VEHICLES WHILE CONDUCTING OFFICIAL BUSINESS

I. PURPOSE:

To ensure an acceptable standard of proficiency and safety is met by each employee who operates City-owned motor vehicles.

II. STATEMENT OF POLICY:

- a. Employees are required to use City vehicles instead of their own for official City business whenever possible.
- b. Personal vehicles may be used for official City business with the prior approval of the employee's department head. Employees using their personal vehicles will be reimbursed for mileage at the rate established by the Internal Revenue Service (IRS).

- c. All employees whose duties require the operation of a City-owned motor vehicle or who operate a privately-owned vehicle while conducting official business as a part of their employment with the City, must possess a valid State Driver's License and a safe driving record.
- d. Prior to acceptance for employment with the City in a position that would necessitate the operation of a motor vehicle in the course of performing the assigned duties of that position, an employee's motor vehicle operators record may be requested from the California Department of Motor Vehicles by Human Resources. If records indicate three or more moving violations within three years of the date of review, the employee may be denied authorization to operate a vehicle while representing the City. If the employment is dependent upon the ability to operate a vehicle, the prospective employee may be denied employment.
 - i. Employees operating City-owned motor vehicles or privately-owned vehicles while conducting official business shall observe all traffic laws, rules and regulations, and the dictates of common sense and good judgment.
 - ii. If during the course of employment an employee exhibits a disregard for acceptable safe driving procedures, the responsible department head may deny further authorization to operate a vehicle while representing the City.
- e. Any employee who operates a privately-owned vehicle while conducting official business for the City, must maintain automobile liability insurance with minimum insurance coverage of not less than \$25,000/\$50,000/\$10,000. Employees who do not maintain minimum liability coverage will not operate privately-owned vehicles in an official capacity.

SECTION 70-5 EARLY RETURN-TO-WORK (ERTW) PROGRAM

I. PURPOSE:

To establish a policy and procedure whereby an employee who is disabled due to injury or illness or who is otherwise unable to work for a medical reason and who needs reasonable accommodation to perform the essential functions of the position may return to work as soon as medically appropriate to a temporary position with modified work duties. The objective of the ERTW Program is to return the employee to productive work as soon as feasible in accordance with the Americans with Disabilities Act (ADA) and Fair Employment and Housing Act (FEHA).

II. STATEMENT OF POLICY:

- a. The cornerstone of the ERTW Program is prompt and interactive communication with the employee and the employee's physician to explore potential reasonable accommodations that could be made to enable the employee to return to work. The purpose of communication with the physician is to inform the physician about the job demands of

the employee's usual and customary assignment and to obtain information concerning the employee's work limitations. Consistent with its obligations under the ADA and FEHA, if an employee has a known disability, the City will explore reasonable accommodations to enable the employee to return to work, including but not limited to transitional or alternate work assignments. The City has set up these guidelines for supervisory personnel to follow when a position may be temporarily modified to accommodate the injured employee's work limitations, thereby allowing him or her to return to work at the earliest, medically appropriate date.

III. TRANSITIONAL OR ALTERNATE ASSIGNMENT:

When an employee has a known disability and his/her work limitations are not compatible with the job demands of the employee's current assignment, Human Resources and/or designee, the employee, and the employee's supervisor working in conjunction with the employee's physician may explore providing the employee a temporary transitional or alternate assignment consistent with the employee's work limitations. Temporary transitional or alternate assignments are temporary in nature, and do not create an entitlement to such an assignment. The decision to offer such an assignment is in the discretion of the City in accordance with its obligations under the ADA and FEHA. At no time will an employee be assigned to perform work that may pose a safety and/or health risk to themselves or others.

- a. Transitional assignments may include but are not limited to including one or more of the following characteristics:
 - i. Limited physical ability requirements;
 - ii. Can be taught to the employee quickly;
 - iii. May be subject to a flexible work schedule, including but not limited to shortened workdays or reducing the number of hours;
 - iv. Will minimize exposure of the worker to further injury and will not slow down the worker's recovery time.
 - v. Modifying the employee's current tasks to allow the employee to perform some or all of the current tasks in a manner that is consistent with the employee's work limitations.
 - vi. Assigning additional tasks to the employee, if appropriate, and if consistent with the employee's work limitations.

Alternate assignments are assignments to vacant positions when operationally feasible with tasks that the employee is able to perform consistent with the employee's work limitations.

IV. PROCEDURES:

- a. Human Resources, and/or designee, shall communicate with the employee or employee's physician to obtain medical certification releasing the employee to return to work, whether with or without work limitations. The employee must provide Human Resources and/or designee with a copy of medical certification releasing the employee to return to work before the employee is permitted to return to work. Such medical certification shall detail any and all work limitations, the estimated duration of the employee's work limitations, and an estimated return to work date. Human Resources and/or designee may communicate

with the employee's physician to obtain additional information concerning the employee's work limitations, duration of the work limitations, and return to work date.

- b. Upon receipt of the physician's recommendation, Human Resources and/or designee shall engage in prompt interactive communication with the employee and/or the employee's supervisor to explore reasonable accommodations to enable the employee to return to work, if medically appropriate, including the offering of a transitional or alternate assignment to the employee.
- c. If it is determined that a transition or alternate assignment is appropriate, the job duties of the transitional or alternate assignment shall be reviewed with the employee. The employee shall have the opportunity to suggest modifications to the job duties to accommodate the employee's work limitations. Job duties may be modified when appropriate or in a manner consistent with the City's operational needs and the employee's work limitations.
- d. Transitional or alternate assignments are temporary. Transitional or alternate assignments may be discontinued when the employee is released by his/her physician to return to the previous assignment, without work limitations or with reasonable accommodation for work limitations; the employee is determined to have reached maximum medical improvement or be permanent and stationary; the transitional or alternate assignment is longer consistent with the City's operational needs; the employee separate from City employment; or for any other reason permitted under law.
 - i. Transitional employment is temporary and must have a designated start date and end date set at the time of the employee's return to work.
 - ii. The end date may be extended if the employee requires additional time to recover, or the employee may be assigned to other transitional duties with a specific start and end date.
 - iii. Transitional or alternate assignments will normally not exceed a term of forty-five (45) calendar days. Temporary or alternate assignments may be extended based upon re-evaluation of the employee's work limitations and if extension is determined to be appropriate under the circumstances. There may be instances where it may be appropriate for the employee to be placed off work (e.g., if the employee is totally temporarily disabled or needs additional time to recover while off work). An employee may be placed off work based upon an evaluation of the employee's work limitations, taking into account the City's operational needs and its obligations under the ADA and FEHA.
- e. The employee is responsible for communicating any change in assignment to the Worker's Compensation Claims Adjuster so any adjustment to benefits may be made. This adjustment occurs whether or not the employee accepts the transitional or alternate assignment offered.
- f. The City will notify the Claims Adjuster when the employee accepts or refuses an offer of a transitional or alternate assignment for the purpose of calculating benefits

adjustments.

- g. **If the injured employee refuses an offer of transitional or alternative employment, it is possible that the employee may lose benefits paid by Worker's Compensation.**
- h. Department heads and Supervisors are key players in promoting safety at work, encouraging workers to return to their jobs, keeping costs associated with accidents and work-related illnesses low, and managing the work so productivity is not lost while an employee is temporarily disabled or in a transitional or alternate assignment.
- i. This policy is not intended to affect an employee's rights under the ADA or FEHA or to in any way limit an employee's rights under the law (e.g., rights under the Family Medical Leave Act, California Family Rights Act, etc.).

SECTION 80-1 SPECIAL LICENSES AND MEMBERSHIP FEES

I. PURPOSE:

To establish guidelines for the request and approval of special licenses and membership fees.

II. STATEMENT OF POLICY:

- a. The City will pay annual dues or fees on behalf of each employee who is required by ordinance, or state or federal law to be a member of a professional organization or who must maintain current a particular certification or license as a condition of employment.
- b. Payment will be made upon approval by the employee's department head with accompanying documentation, and must be included in the City's annual operating budget.
- c. Membership in outside organizations shall be in the name of the City, if possible.

SECTION 80-2 LAWSUITS AGAINST THE CITY

I. STATEMENT OF POLICY:

- a. Human Resources, Risk Management or the City Clerk are the only authorized employees to accept any legal process served against the City. If an employee is approached by a process server, the employee should direct the server to Human Resources without signing anything.
- b. An employee should not discuss any aspect of a situation that is subject to a lawsuit or hearing without first consulting with the City Manager and/or City Attorney.

SECTION 80-3 TUITION REIMBURSEMENT

I. PURPOSE:

To promote and facilitate training and career education which meets the dynamic needs of the City.

II. DEFINITIONS:

As addressed by this policy, training is defined as any work-related course, seminar or workshop which will assist regular, full-time employees, in performing their City functions, or which will prepare them for advancement within the City.

III. STATEMENT OF POLICY:

- a. Employees are encouraged to continue their formal education through participation in off-duty/non-working hour's educational programs.
- b. Reimbursement for educational expenses incurred by such participation may be granted for job-related courses with prior approval of the City Manager, provided funds have been budgeted for such training. Only employees who have successfully completed their initial probationary period are eligible.
- c. Reimbursement thresholds are as follows:
 - i. Maximum tuition reimbursement of \$1200 per fiscal year for lower-division, undergraduate work.
 - ii. Maximum tuition reimbursement of \$2400 per fiscal year for upper-division coursework for degree completion.
 - iii. Maximum tuition reimbursement of \$3600 per fiscal year for graduate degree coursework.
- d. Any reimbursement shall only be after successful completion of the course/program. Successful completion shall be defined as receipt of a certificate of satisfactory completion or a grade of C (2.0 grade point) or better in the case of academically rated courses (or attainment of pass in a pass/fail grading system.)
- e. Tuition reimbursement shall be granted for cost of tuition/registration, books, and other materials required for the course. Approval for tuition reimbursement shall only be allowed for courses offered by accredited colleges, universities or vocational training institutes.
- f. Request for reimbursement must be made within 30 days following the completion of the course of study.
- g. Consideration of employee requests for tuition reimbursement is dependent upon budgetary constraints. Time spent in attendance at these courses shall be considered the employee's personal time and is not counted as time worked.
- h. This policy is subject to and limited by the conditions of an affected employee's labor contract.

SECTION 80-4 USE OF CITY COMPUTERS AND INFORMATION NETWORK

I. STATEMENT OF POLICY:

With the increased use of technology affecting the daily operation of city offices, there is also an increased need to protect the integrity and security of our data and network infrastructure. The purpose of this policy is to establish general guidelines for the appropriate use of the city's information system network (ISN) and standards of conduct for its users.

II. DEVICE USE:

- a. Access to IT resources in the form of devices and facilities are issued in accordance with performing assigned duties for the benefit of the people of Lemoore. Users of City of Lemoore IT resources and facilities are personally responsible for their conduct and behavior in the use of assigned resources.
- b. Department heads may allow incidental, non-excessive personal use of IT resources at their discretion.
- c. There is no expectation of privacy while using the City of Lemoore IT resources. All activity can be logged, monitored, and reviewed.
- d. Users are expected to comply with all applicable IT-related contractual and license agreements. Users should check with the City IT staff for guidance.
- e. Work-related files and electronic information shall be stored on City IT approved storage services to ensure the document(s) are backed up.
- f. Use of unapproved cloud-based services for data storage, transfer, etc. is prohibited.
- g. Employees must never attempt to gain access to, disclose, or remove any user ID, information, software, or file that is not their own and for which they have not received explicit authorization to access.
- h. Users shall not interfere with, encroach on or disrupt others' use of the City's shared IT resources.
- i. Users shall not knowingly transfer or allow to be transferred to, from or within the agency, textual or graphical material commonly considered to be child pornography or obscene content.
- j. All hardware and software, including downloaded software, shall be authorized by City IT staff, purchased by City staff and installed by authorized City IT staff prior to use.
- k. IT resources must not be used for private, commercial, or political purposes.

- l. Remote Access to the City's internal network must be authorized by a supervisor and utilize City approved software.
- m. Users shall report missing, stolen or damaged IT hardware and devices immediately to their supervisor. The supervisor shall notify IT of the information as soon as possible.
- n. Users shall notify City IT staff in the event of a security incident or if the IT device is acting unusual, e.g. slow performance or response times, unexpected pop-up advertisements, etc.
- o. Devices must be locked before leaving them unattended. Users must log off of devices at the end of the day unless permission has been received to run a job or process.

III. PASSWORDS:

- a. Passwords should be strong, with a minimum of 8 characters. Users are required to have a combination of upper and lower case with special and numerical characters contained in their passwords.
- b. Passwords must never be shared.
- c. Personal information must never be used in a password (e.g., SSN or date of birth).
- d. Users must secure their password at all times. Passwords are not to be written down (e.g., taped to monitor or under keyboard).

IV. INTERNET:

- a. Internet usage is provided for the opportunity it gives City employees to accomplish their job duties.
- b. Shall be used for conducting City business, however, incidental, non-excessive personal use is permitted at the discretion of department head or IT staff.
- c. City administrators can request IT to monitor Internet usage for planning and managing network resources, performance, troubleshooting purposes, or if abuses are suspected.

V. ELECTRONIC MAIL:

- a. Shall be used for conducting City business, however, City IT staff may allow incidental, non-excessive personal use of Electronic Mail.
- b. Email is considered public record. Employees should have no expectations of privacy.
- c. Never click on attachments or links to any email from an unknown person or company. Forward as an attachment such suspicious email to City IT staff.

- d. City email accounts must not be used to sign up for non-work related website accounts, mailing lists, etc.
- e. Personal email account(s) shall not be used for work-related business.
- f. Shall not be used to circulate chainmail, spam, etc.
- g. Shall not send sensitive information to other parties unless authorized by duties and appropriately encrypted.
- h. Shall not send inappropriate materials such as:
 - i. Sexually offensive, explicit
 - ii. Harassing or discriminatory
 - iii. Gruesome, violent, or sadistic

VI. SOCIAL MEDIA:

- a. If authorized, can only be used for work-related purposes;
- b. Work-related communications should be professional and consistent with the City's mission and the position's responsibilities;
- c. Shall follow the City's Social Media Policy.

VII. SENSITIVE INFORMATION:

- a. Ensure any personally identifiable information is saved to an appropriate location (e.g. encrypted location).
- b. Must not be stored, transferred, or copied to unauthorized locations.
- c. Shall utilize the City IT staff approved encrypted email for any transfer needs of sensitive information.
- d. Shall only be stored on City-owned portable devices and portable storage if there is a business requirement.
- e. Shall not be transported outside of the United States on portable devices or portable storage.
- f. Protect IT devices containing sensitive information (e.g. flash drives, computers, cell phones, etc.) until the device is destroyed or sanitized using approved tools or equipment.
- g. Report lost, stolen or compromised information to City IT staff.
- h. Agree to follow all visitor access procedures.

VIII. REPORTING AND DISCIPLINARY ACTION:

- a. Users will cooperate with City IT staff requests for information about computing activities; follow City procedures and guidelines in handling data external files in order to maintain a secure, virus-free computing environment; follow City procedures and guidelines for backing up data and making sure that critical data is saved to an appropriate location.
- b. Users will report unacceptable use and other security violations to their immediate supervisor or department head, or City IT staff.
- c. Misuse of the City's computer resources may result in City HR or management taking disciplinary action appropriate to the misuse, up to and including termination.

SECTION 80-5 LACTATION ACCOMMODATION (SB-142)

1. PURPOSE:

Pursuant to City Administrative Policy 2020-01, to provide appropriate facilities and a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child each time the employee has need to express milk.

2. STATEMENT OF POLICY:

- a. City shall provide a designated lactation room providing employees who wish to express breast milk a safe, clean and private opportunity to sit and express breast milk. An employee may reserve the designated lactation room (Medium Conference Room, 711 West Cinnamon Drive) by contacting the Executive Assistant in the City Manager's Office.
- b. The break time shall, if possible, run concurrently with any break time already provided to the employee. Employee shall request additional time from their supervisor for leave that does not run concurrently with the break time authorized for the employee and if granted such additional time shall be unpaid.
- c. The designated lactation room shall have a surface for a pump and personal belongings and provide access to a sink with running water and a refrigerator suitable for storing milk near the employee's workstation. The employee is responsible for removing the stored milk.

SECTION 80-6 PRIVATE USE OF PUBLIC FACILITIES AND EXPECTATIONS OF PRIVACY BY CITY EMPLOYEES

I PURPOSE:

To reduce liabilities and establish a policy for the private use of City of Lemoore Property and the expectations of privacy of city employees. Employees are to understand that the City of Lemoore is a public entity and to that end there is to be no expectations of privacy.

II STATEMENT OF POLICY:

- a. The use of City of Lemoore property or any of its facilities or equipment for personal and/or private use is not allowed without the consent of the director of that department and the City Manager.
- b. The City of Lemoore reserves the right to search the contents of City-owned vehicles, structures, equipment, and furniture of any kind, including offices, desks, lockers, files and file cabinets, at any time and for any reason that is on City property. All City employees are therefore strongly encouraged to refrain from storing on or in City-owned property any personal article (including personal correspondence) they wish to protect from inspection by City officials. By accepting (continued) employment, each employee of the City is deemed to have consented to unannounced searches of his/her work area upon request.