



MEETING DATE: January 14, 2026

AGENDA ITEM: 8. Resolution 2637: Employee Manual and Personnel Policy Revisions

FROM: Ryan Bonk

RE: Employee Manual and Personnel Policy: Review and Consider Adoption

BACKGROUND:

The City Council last adopted revisions to the Personnel Policy via Resolution on August 22, 2018 through adoption of Resolution 2366. The City Council adopted minor changes via minute action on August 11, 2021.

EXECUTIVE SUMMARY:

For over a year, City staff, in coordination with the Finance Officer and City Attorney, have conducted a comprehensive review of the existing policy with the intent of updating and modernizing the policy as follows:

- Incorporating recommendations identified in the Liebert Cassidy Whitmore "Recommended Action Memorandum", which was prepared as part of the SCORE Insurance legal review and compliance program
- Consolidating and memorializing revisions from 2021 in a newly released policy for staff
- Updating the policy to ensure consistency with current federal and California statutory and regulatory requirements
- Performing a detailed review of the entire policy to identify and close any gaps with the goal to enhance practical implementation of the policy for management and supervisory staff
- Adding features that will enhance the end user's experience such as a Table of Contents electronically linked to each section of the policy

In addition, management has discussed changes that would directly affect staff with the staff on multiple occasions to obtain feedback and confirm general understanding of the proposed revisions.

The Finance and Administration Committee met on December 4, 2025 to review the proposed changes with staff and to provide additional feedback. Feedback received from the Finance and Administration Committee has been incorporated in the revision attached to this staff report.

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution 2637 which adopts the revisions to the Employee Manual and Personnel Policy effective immediately.

By adopting this Resolution, the City Council accepts the redlined changes presented in this Staff Report and authorizes staff to make non-substantive grammatical and formatting edits prior to final release of the document.

FISCAL IMPACT:

There is no financial impact to adoption of the Resolution and the revised Employee Manual and Personnel Policy.

ATTACHMENTS:

- A. RESOLUTION 2637

RESOLUTION NO. 2637

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTOLA
AMENDING THE CITY OF PORTOLA PERSONNEL POLICY**

WHEREAS, the City of Portola serves as a local government employer and is subject to the laws and regulations of both the Federal and State levels of government; and,

WHEREAS, the City Council has deemed it prudent to establish its own operations guidelines for administration of personnel matters and issues; and

WHEREAS, on December 13, 2006, the City Council adopted Resolution No. 1909 establishing a Personnel Policy which has been amended from time to time; and,

WHEREAS, the City Council wishes to amend the Personnel Policy.

NOW THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Portola that the City of Portola Personnel Policy is amended as shown in Exhibit A effective immediately.

PASSED, APPROVED AND ADOPTED this 14th day of January 2026 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Bill Powers, Mayor

ATTEST:

Kristen Schiavone, Deputy City Clerk

I, Kristen Schiavone, Deputy City Clerk of the City of Portola, do hereby certify that the above and foregoing Resolution was duly passed and adopted by the City Council of the City of Portola at a regular meeting thereof held on January 14th, 2026.

Kristen Schiavone, Deputy City Clerk

Exhibit A

	Document Name	Employee Manual and Personnel Policy	
	Document Number	P-003	Revision Letter
	Document Location	SharePoint	Revision Date
	Document Type	Policy	Council Adoption Date Resolution No.

City of Portola

Employee Manual and Personnel Policy

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1. GENERAL PROVISIONS

1.1 Purpose:

The purpose of this these personnel rules manual is to provide consistency and structure in the administration of personnel matters for employees of the City, and to achieve a common understanding of certain basic City policies and procedures which generally apply in all circumstances. These rules are not intended to supersede any Memoranda of Understanding and any amendments, employer-employee resolutions, or employment contracts and to the extent these rules are inconsistent, the Memorandum of Understanding and any amendments, employer-employee resolution, or employment contracts will control. In addition, these rules are not intended to supplant appropriate managerial discretion in matters not specifically addressed by these rules.

1.2 Applicability:

The policies, rules and regulations stated in this document apply to all employees of the City. The document does not apply to officials, contract employees, volunteers or other individuals working with the City unless applicable federal law, state law or employment agreement/contract indicates otherwise.

1.3 Violation of Rules:

Violation of the provisions of these rules and regulations shall be grounds for appropriate disciplinary action, up to and including termination of employment.

1.4 Duties Delegable:

The duties and responsibilities assigned to the City Manager, department heads, and other supervisors may be delegated to other responsible employees as appropriate.

1.5 Interpretation and Enforcement:

The City Manager is hereby delegated with the interpretation and enforcement of the policies, rules and regulations stated in this document.

1.6 Adoption and Amendment:

This policy once adopted may be amended by the City Council.

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2. MANAGEMENT AUTHORITY

2.1 Management Functions:

The City of Portola is required by law to exercise certain powers and authority to manage the municipal services and the work force performing those services. The following functions, which are within the authority of the City Council and exercised directly and through the City Manager and department heads, are not subject to negotiation, grievance or any other procedural limitations set forth in these rules except as otherwise provided by law. The rights include, but are not limited to:

2.1.1 Organization:

Determine and modify the mission and organization of City government and its constituent work units, commissions, boards and volunteers.

2.1.2 Delivery of Services:

Determine the nature, standards, levels, and mode of delivery of services to be offered to the public.

2.1.3 Personnel:

Determine the methods, means, number, kinds, and selection of personnel by which services are to be provided.

2.1.4 Efficiency:

Maintain the efficiency of governmental operations.

2.1.5 Goods and Services:

Determine whether goods or services shall be made or provided by the City or shall be purchased or contracted for.

2.1.6 Application of Technology:

Exercise complete control and discretion over the use of City technology.

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2.1.7 Direction of Employees:

Direct employees, including scheduling and assigning work, work~~ing~~ hours and overtime.

2.1.8 Employee Performance Standards:

Establish job descriptions, employee performance standards and require compliance.

2.1.9 Employee Discipline:

Dismiss, suspend, demote, reduce in pay, reprimand, withhold salary increases and benefits, or otherwise discipline employees, subject to the requirements of applicable law and these rules and regulations.

2.1.10 Employee Dismissal:

Dismiss employees from duty because of lack of work, lack of funds, reorganization of the work force, combination of jobs, reassignment of duties, restructuring or for other legitimate business reasons not relating to job performance.

2.1.11 Implementation:

Implement rules, regulations, and directives consistent with law and the specific provisions of these personnel rules.

2.1.12 Protect the Public:

Take all necessary actions to protect the public and carry out the City's mission in emergencies.

3. CLASSIFICATION PLAN

3.1 Introduction:

Every City position shall be assigned to a Pay and Benefits Classification and an Employment Group. Revisions to either Classification or Group may be made by the City Manager subject to approval by the City Council. The City Manager shall have the ability to reorganize and re-assign positions to a different Pay and Benefits Classification or Employment Group.

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3.2 Pay and Benefits Classifications:

Each employee shall be assigned to one of the following Pay and Benefits Classifications, as authorized by City Council approval established by the City Manager, for purposes of specifying the appropriate pay range, benefits and employee rights for the position.

3.2.1 Regular Full-Time Employee:

A person assigned to an authorized position who is scheduled to work a ~~40 hour~~^{40-hour} work week and who may be in the probationary period of employment as defined in Chapter 5 “Probationary Period.”

Eligible Benefits this classification include but are not limited to the following:

- Paid Vacation
- Sick Time
- Insurance
- CalPERS

3.2.2 Regular Part-Time Employee:

A person ~~assigned to an authorized position who is appointed to an authorized position who is~~ scheduled to work ~~at least 17 but less than 40 hours per week, or at least 1,000 hours but less than 2,080 hours in a year in a job share~~, and who may be in the probationary period of employment as defined in Chapter 5 “Probationary Period.”

Eligible benefits this classification include but are not limited to the following:

- Prorated Vacation
- Prorated Sick Time
- CalPERS
 - Dictated by CalPERS eligibility requirements

3.2.3 Part-Time/Temporary/Seasonal Employee:

A person employed for either a specified or unspecified duration ~~approved by the City Manager who is generally scheduled to work less than 40 hours per week or in a temporary or seasonal capacity.. who is scheduled to work less than 1,000 hours or 125 days paid on a per diem basis during a twelve (12) month period.~~

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Eligible Benefits this classification include but are not limited to the following:

- Sick Time per Healthy Workplaces, Healthy Families Act of 2014
- CalPERS
 - Dictated by CalPERS eligibility requirements

3.3 Employment Groups:

3.3.1 Intent:

Employment groups are necessary to establish exempt and non-exempt categories referenced in section 13.

Positions in the classification system shall be assigned to one of the following Employment Groups:

3.3.13.3.2 City Manager:

The City Manager has responsibility for administering and formulating policy for the City or a department within the City and with primary responsibility for hiring, transferring, promoting, assigning and scheduling work, disciplining and dismissing employees. The City Manager serves per employment agreement, at will and may be terminated without cause.

3.3.23.3.3 Mid-Management and Professional:

Positions directly supporting management, with some supervisory duties, or those positions requiring specialized knowledge, skills, and certifications attained through completion of a recognized course of instruction.

3.3.33.3.4 General:

All other positions not assigned to any of the above groups.

3.4 New Regular Positions

All new regular full-time and regular part-time positions shall be authorized by City Council approval. New positions shall be assigned by the City Manager to an employment group.

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3.5 New Part-Time/Temporary/Seasonal Positions

Any new part-time, temporary, or seasonal employment may be approved by the City Manager. Confirmation of budget availability must be obtained prior to employment.

3.43.6 Change of Group:

~~All new regular positions shall be authorized by City Council action.~~ New positions shall be assigned by the City Manager to an employment group.

4. EMPLOYMENT SELECTION

4.1 Employment Standards:

The City of Portola will employ the applicant that best promotes the needs of the City. Continued employment will be based on the employee's job performance, available funding, and demonstrated need for the position.

4.2 Authorization to Work:

The City of Portola complies with the requirements of federal law and employs only applicants who are lawfully authorized to work in the United States.

4.3 Job Openings:

Open positions will be announced in the manner deemed by the City Manager to be most appropriate for the position to be filled. Position vacancies may be filled by an open competitive- examinationtest, open solicitation, recruitment, by promotion, by temporary appointment, transfer, re-employment, demotion, or by the appointment of individuals from eligible lists, if any, or a combination of any of the above as determined appropriate by the City Manager from time to time.

4.4 Examination Process:

Applicants who most closely meet the City requirements may be invited to participate in the examination process.

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4.54.4.1 Subjects and Method of Examinations:

The goal of the examination process is to determine the Knowledge, Skills and Abilities (KSAs) of applicants in an objective, consistent and fair manner. The type of examinations used as the basis for employment selection shall be determined by the City Manager on the recommendation of the appropriate department head. Examinations may be written, oral, practical demonstration, physical or any combination thereof and shall be reasonably related to the requirements of the position to be filled.

4.64.4.2 Qualifying Grade and Rating Examinations:

The minimum grade or standing which determines eligibility shall be based upon all factors in the exam(s) and requirements for the position. Applicants who fail any one part of the exam(s) may be disqualified. Applicants who refuse to participate in the exam(s) may be disqualified.

4.74.5 Eligible Lists:

Employment and promotional eligible lists based on selected exam test and interview results shall be effective for six (6) months following the date approved by the City Manager. Eligible lists may be extended, by the City Manager, two (2) times for an additional six (6) month period each time, for a maximum period of eighteen (18) months.

4.84.6 Reference/Background Investigations:

The City verifies prior employment and conducts reference checks on applicants. Candidates may also be subject to a background check which may include a credit review (if applicable to the position for which they applied), personal history, education, professional credential, military record, Department of Motor Vehicle record, and criminal records. An employee under consideration for promotion may also be subject to a background check. Applying for the position, as a new employee or through a promotion or demotion or a lateral change shall constitute authorization to conduct a background check.

The City may conduct such investigation of the applicant's training, employment experience, and mental and physical fitness as may be necessary to verify and clarify statements contained in the application. No applicant shall be disqualified because of any criminal arrest or detention which did not result in a conviction; and no appointing authority shall ask for such information except as to an arrest for which the applicant is out on bail, or on his or her own recognizance, pending trial. (California Labor Code Section 432.7)

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Any person objecting to a background check shall be deemed to have withdrawn his/her application for the position. A written authorization will be obtained before a background check is conducted. Final offers of employment or promotion may be delayed until the City has completed this investigation process.

4.8.14.6.1 Training in Child Abuse and Neglect Identification and Training in Child Abuse and Neglect Reporting (AB 506)

Certain positions will be required to complete training in child abuse and neglect identification and child abuse and neglect reporting and to follow City child abuse prevention policies and procedures in compliance with AB 506

4.94.7 Emergency Appointments:

The City Manager may make temporary emergency appointments in order to meet the immediate requirements of an emergency, such as an extraordinary fire, flood or earthquake, which threatens public health, safety, life or property. All emergency appointments shall be reported to the City Council as soon as possible. The personnel ordinances or rules affecting appointments and employment do not apply when such emergency conditions occur.

4.104.8 Employment of Relatives:

To avoid conflicts of interests, or the appearance of conflicts of interests, members of the immediate family of elected or appointed officials shall not be selected for appointed to City employment. Immediate family members of employees shall not be assigned appointed, transferred, promoted or demoted into the same department or be placed in such a position as to evaluate a relative or be in the same line of direct supervision without prior City Manager and/or City Council approval. The decision of the City Manager and/or City Council is final in all cases. For the purposes of this policy, immediate family member is defined as spouse, domestic partner (as defined in the City's domestic partner policy), parents, children, siblings, grandparents or other dependents living in the home as well as the immediate family of the spouse or domestic partner.

4.114.9 Pre-Employment Physical Examinations and Drug and Alcohol Test:

Candidates who have received an offer of employment may be required to pass a physical examination and a drug and alcohol test as a condition of employment prior to reporting to work. A medical doctor who is selected by and paid for by

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the City shall perform the examination and an appropriate hospital and/or laboratory will conduct the drug and alcohol test.

4.124.10 Fingerprinting:

Applicants Candidates and employees who will supervise minors must be fingerprinted. Fingerprinting may be required for any job applicant or employee at the discretion of the City Manager. –Fingerprints are electronically transmitted to the California Department of Justice to conduct a criminal records check and obtain conviction records to determine eligibility for employment.

4.134.11 Oath of Office:

The California State Constitution requires all public employees to take an oath of office upon appointment. Each employee must swear to support and defend the State of California and its Constitution and the United States and its Constitution and to faithfully perform the responsibilities as a City employee.

5. PROBATIONARY PERIOD

5.1 Purpose:

For an employee assigned to a regular position, a probationary period regarded as a part of the testing process to closely observe the work performance, progress, and adjustment of the new employee, is required. During this period, benefits for newly hired employees apply only to the extent outlined, in these rules, for probationary employees. Promoted or laterally assigned regular employees retain the level of benefits that they were eligible for before the promotion or lateral assignment.

5.2 Regular Appointment Following Probationary Period:

All initial appointments shall be subject to a probationary period of up to twelve (12) months. All promotion and lateral appointments shall be subject to a probationary period of up to six (6) months. The City Manager may extend the period for up to an additional six (6) months, if more time is needed to adequately assess the employee's suitability for the job. The employee shall receive a performance review approximately in the middle of the probationary period. After successful completion of the probationary period and performance review, employee shall become a regular employee. Written notice shall be given to and endorsed by the employee indicating status at the end of each period.

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5.3 Rejections During Probationary Period:

A probationary employee may be terminated at any time without cause, without notice and without right of appeal during the probationary period.

5.4 Rejection Following Promotion:

Regular employees rejected during or at the conclusion of a promotional or lateral appointment probationary period shall be reinstated to the position from which they were promoted or re-assigned, or to as similar a position as possible, unless circumstances, including unavailability of an open position, warrant demotion, re-assignment or dismissal.

5.5 Effect of Leaves on Probationary Period:

The granting of any approved leave of absence during the probationary period shall result in an extension of the probationary period for the same amount of time as the length of the leave.

5.6 Temporary and Seasonal Employees:

~~Temporary and seasonal employees serve at will and employment may be terminated without cause.~~ There is no probationary period for temporary and seasonal employees. Temporary and seasonal employees serve at will and employment may be terminated without cause or notice.

6. CHANGES IN EMPLOYMENT STATUS

6.1 Promotion:

Promotion to a position with a higher pay range shall be based on merit only.

6.2 Reductions in Force:

The level of City services provided may be increased, reduced or other changes to City services may be required for reasons of economy or efficiency. In such an event, it may be necessary to terminate employment, combine jobs, re-assign duties, revise job descriptions or reduce the hours of one or more City employees. The City Manager shall make reasonable efforts to give primary consideration to (a) business necessity and (b) job performance, competence, and seniority

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whenever reductions in force are necessary. Employees shall be given at least thirty (30) days' notice of any proposed reduction in force, except where necessary to protect the public and carry out the City's mission. The City's decision to reduce its workforce is a management right; thus, no due process rights under Chapter 9 or grievance rights under Chapter 22 exist.

6.2.1 Re-Employment Lists:

Names of all regular employees who have been terminated because their positions have been terminated due to a reduction in force and were otherwise in good standing with the City shall be placed on a re-employment list for two (2) years.

6.2.2 Re-Employment:

When a vacancy occurs in a class from which employees were terminated, the qualifying employees on the re-employment list shall be notified of the vacancy prior to announcing the recruitment and shall be offered the opportunity to apply for the position. In such an event, the City Manager shall consider the name(s) on the re-employment list prior to considering other candidates. The City retains the right not to appoint former employees.

6.3 Placement After On-the-Job Disability:

The City will make a reasonable attempt, in accordance with federal and state law, to place employees in positions for which they qualify when they become disabled by an on-the-job injury or illness. The City has no obligation to create any new regular, temporary or seasonal positions to accommodate disabilities.

6.4 Demotion or Termination for Cause:

The City may demote or discharge an employee for cause at any time, consistent with Section 9 of these rules and regulations.

6.5 Resignation in Lieu of Dismissal:

When dismissal is deemed appropriate by the City, an employee may resign to avoid dismissal. Resignation must be voluntary, without coercion.

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6.6 Resignation:

An employee who intends to leave his or her position with the City should file a written resignation notice at least ten (10) working days before leaving. The notice should state the effective date and reasons for leaving and should be submitted to the department head for processing and filing. Failure to comply with this rule shall be entered on the service record of the employee and may be cause for denying future re-employment by the City.

6.7 Retirement:

An employee planning to retire from the City shall provide a written notice to the City at least ninety (90) calendar days prior to the effective date of retirement.

6.8 Continuation of Health Benefits:

For information on continuation of health benefits, please refer to appropriate sections referencing COBRA. Section 17.6 "C.O.B.R.A."

6.9 Fitness for Duty:

~~If at any time the supervisor, department head or City Manager believes an employee is unable to perform assigned duties in a safe and efficient manner, the employee may be required to undergo a Fitness For Duty Examination. The purpose of the examination is to determine the employee's physical or psychological ability to meet the position requirements. The examination shall be performed by a medical doctor selected and paid for by the City. The doctor's report shall be the basis for determining whether the employee is able to perform the duties of the job, with or without accommodation.~~

6.106.9 Return of City Property:

Immediately upon- ~~separation, voluntarily or involuntary, termination, with or without cause~~, and prior to the last day of employment ~~prior to resignation, retirement~~, employees shall turn in all keys, identification cards, passwords, access codes, smart phones, cameras, tools, equipment, and any other City-owned property to the department head or City Manager.

7. RULES OF CONDUCT

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7.1 Intent:

The purpose of the policy statements and procedures in this Chapter is to provide a workplace which promotes both employee safety and satisfaction and the competent and efficient delivery of services to the citizens of Portola and other members of the public. Any employee who violates any of the provisions of this Chapter shall be subject to discipline, up to and including termination.

7.2 Equal Opportunities in Employment:

The City of Portola provides equal employment opportunities for all applicants and employees. The City does not unlawfully discriminate on the basis of, race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, age, sexual orientation, or military and veteran status or any other basis protected by federal, state, or local law or ordinance or regulation.

7.3 Workplace Violence:

The City is committed to providing a safe, violence-free workplace in compliance with Labor Code (LC) section 6401.9. For that reason, the City strictly prohibits officials, employees, consultants, customers, visitors, or anyone else on City premises or engaging in a City-related activity from behaving in a violent or threatening manner.

Workplace violence includes, but is not limited to, the following:

- Threats of any kind;
- Threatening, physically aggressive, or violent behavior, such as intimidation of or attempts to instill fear in others;
- Other behavior that suggests a propensity toward violence, which can include belligerent speech, excessive arguing or swearing, sabotage, or threats of sabotage of City property, or a demonstrated pattern of refusal to follow City policies and procedures;
- Defacing City property or causing physical damage to the facilities; or
- With the exception of public safety personnel, bringing weapons or firearms of any kind on City property, in City parking lots, or while conducting City business.

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7.3.1 Workplace violence reporting and investigations

Reporting and investigations of workplace violence shall be pursuant to Sections 7.5 and 7.6 respectively. Additional information concerning workplace violence reporting and investigations is located in the City's Workplace Violence Protection Plan.

7.4 Prohibition of Harassment and Discrimination:

The City is committed to providing a workplace free of unlawful harassment and discrimination.

In furtherance of this commitment, the City strictly prohibits all forms of unlawful harassment and discrimination, including harassment and discrimination based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, age, sexual orientation, ~~or~~ military and veteran status, or any other basis protected by law. This commitment extends to all aspects of the City's employment practices, including recruiting, hiring, discipline, termination, promotions, transfers, compensation, benefits, training, leaves of absence, and other terms and conditions of employment. The City will use its best efforts to protect employees from workplace harassment and discrimination by other City employees, volunteers and non-employees, including members of the public, customers, vendors, suppliers, independent contractors and others doing business with the City, within the constraints imposed by law. ~~The City also will provide reasonable accommodations for protected applicants and employees who seek such accommodations because of a qualified physical or mental disability, provided the requested accommodation does not create an undue hardship for the City and does not pose a direct threat to the health or safety of others in the workplace or to the individual.~~

It is the responsibility of every City official, Manager and employee to conscientiously follow this policy. Unlawful treatment based on any of the factors listed in this section is prohibited. Any such harassment or discrimination will subject an employee to disciplinary action, up to and including termination. Employees who have any questions about what constitutes harassing or discriminating conduct should contact the City Manager or their supervisor.

For purposes of this policy, unlawful harassment or discrimination includes verbal, physical, and visual conduct that creates an intimidating, offensive, or hostile working environment or that interferes with work performance. Such conduct constitutes unlawful harassment or discrimination when: (1) submission to the conduct is made either an explicit or implicit condition of employment; (2)

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submission to or rejection of the conduct is used as the basis for an employment decision; or (3) the harassment or discrimination interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

Examples of prohibited harassment and discrimination based on sex include, without limitation, the following:

- Unwanted sexual advances
- Offering of employment benefit (such as a raise, promotion or career advancement) in exchange for sexual favors, or threatening an employment detriment (such as termination or demotion) for an employee's failure to engage in sexual activity
- Visual conduct, such as leering, making sexual gestures and displaying or posting sexually suggestive objects or picture, cartoons or posters
- Verbal sexual advances, propositions, requests or comments or conversation containing sexual content
- Sending or posting sexually related messages, videos or messages via text, instant messaging or social media
- Verbal abuse of a sexual nature, graphic verbal comment about an individual's body, sexually degrading words used to describe an individual and suggestive or obscene letters, notes or invitations
- Physical conduct, such as touching, groping, assault or blocking movements
- Physical or verbal abuse concerning an individual's gender, gender identity or gender expression
- Verbal abuse concerning a person's characteristics, such as pitch of voice, facial hair or the size and shape of a person's body, including remarks that a male is too feminine or a woman is too masculine

Examples of other prohibited harassment and discrimination include, without limitation, the following:

- Racial or ethnic slurs, epithets and any other offensive remarks
- Jokes, whether written, verbal or electronic
- Threats, intimidation and other menacing behavior
- Inappropriate verbal, graphic or physical conduct
- Sending or posting harassing messages, videos or messages via text, instant messaging or social media
- Other harassing or discriminatory conduct based on one or more of the protected categories identified in this policy.

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7.5 Reporting Requirement:

In order to effectively carry out the policies set forth above and to protect all City personnel from unlawful discrimination, harassment, and workplace violence, the City management must know about and respond to any prohibited conduct as soon as possible. Therefore, any incident of unlawful discrimination, harassment or workplace violence prohibited by this policy shall be reported immediately to any department head with whom the employee feels comfortable or to a Collective Risk Management Team Member, or to the 24-hour hot-line number: (800) 576-5262. The City's ID is: 10111. Complaints may also be lodged with the California Civil Rights Department (CRD) ~~California Department of Fair Employment and Housing (DFEH)~~ or the U.S. Equal Opportunity Commission (EEOC). An employee who observes such an incident, as well as the person who experiences the conduct which violates the rules of this policy, has a mandatory duty to report the incident immediately. Failure to report an incident of discriminatory conduct, harassment, or workplace violence as described in this policy may result in discipline.

7.6 Investigation:

Every report of any violation of these policies will be investigated promptly, thoroughly and impartially. Each investigation will be handled with due care and sensitivity, and the utmost attention will be given to preserving the privacy of all persons involved. Confidentiality will be maintained as much as possible. However, due to the overriding need to investigate thoroughly and also because of the due process rights of the employee who is alleged to have violated the rules contained in this policy, total confidentiality cannot be guaranteed in every case. An employee who violates the confidentiality of such an investigation unnecessarily, or who fails to cooperate in such an investigation, will be subject to discipline. The investigation may be handled by a qualified individual or collective risk management team. If at the end of the investigation misconduct is found, appropriate remedial actions will be taken.

7.7 Retaliation:

Retaliation against any person for lodging a complaint, reporting any violation of this policy or for cooperating in an investigation, is absolutely prohibited and will result in discipline up to and including termination. Retaliation occurs when an employer or employee takes adverse action against a covered individual because of the individual's protected activity. Adverse action may include but is not limited to:

- a. Disciplinary actions
- b. Counseling

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- c. Taking sides
- d. Spreading rumors about a complainant or someone who participates in an investigation
- e. Making real or implied threats of intimidation

In addition, the City prohibits retaliation against an individual for requesting a reasonable accommodation.

Participating in an investigation of alleged wrongdoing in the workplace includes:

- Filing a complaint with the federal or state enforcement or administrative agency
- Participating in or cooperating with a federal or state enforcement agency that is conducting an investigation of the company regarding alleged unlawful activity
- Testifying as a party, witness or accused regarding alleged unlawful activity
- Associating with another employee who is engaged in any of these activities
- Making or filing an internal complaint with the company regarding alleged unlawful activity
- Providing informal notice to the City regarding alleged unlawful activity

If an employee feels that he or she is being retaliated against or observes retaliation by another employee, supervisor, manager, or nonemployee, he or she shall immediately report the incident in accordance with the reporting procedure in section 7.5 above.

7.8 Reasonable Accommodations and Interactive Process ~~Americans with Disabilities Act (“ADA”) and Fair Employment and Housing Act~~

~~The City provides reasonable accommodation for individuals with disabilities in accordance with the Americans With Disabilities Act (“ADA”) and the Fair Employment and Housing Act. In this connection, the City evaluates the feasibility of requested accommodations in light of the applicable guidelines and determines whether such accommodations will create an undue hardship on the City.~~

~~Qualified individuals with disabilities may make requests for reasonable accommodation to the City. On receipt of an accommodation request, the City will meet with the requesting individual to engage in an interactive assessment~~

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~~with the employee and discuss and identify the precise limitations resulting from the disability and the potential accommodation that the employee has requested and others which the City might be able to make to help overcome those limitations.~~

~~The City will determine the feasibility of the requested accommodation, considering various factors, including, but not limited to, the nature and cost of the accommodation, the City's overall financial resources and organization, and the accommodation's impact on the operation of the department and the City, including its impact on the ability of other employees to perform their essential job functions and on the City's ability to conduct business.~~

~~The City will inform the employee of the City's decision on the accommodation request or regarding how the City is able to accommodate the employee's condition with an alternate accommodation if feasible.~~

7.8.1 Definition

A reasonable accommodation is any modification or adjustment to a job, work environment, or employment process that enables a qualified individual with a disability to perform the essential functions of their job. Examples of reasonable accommodations include, but are not limited to:

- Modifications to work schedules or job duties
- Providing assistive technology or equipment
- Adjustments to workplace policies or procedures
- Accessibility modifications to facilities
- Allowing leave for medical treatment or recovery

7.8.2 The Interactive Process

When an employee or applicant requests a reasonable accommodation, the City will engage in a timely, good-faith interactive process to determine whether an accommodation can be provided and an appropriate accommodation. This process includes:

a. Request for Accommodation

Employees may request an accommodation verbally or in writing to the City Manager or Department Head. Applicants may request accommodations during the hiring process by contacting HR prior to interviews, tests, or assessments.

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b. Evaluation of the Request

The City may request medical documentation from a licensed healthcare provider to verify the existence of a disability and the need for accommodation.

The City will assess whether the requested accommodation is reasonable and effective in enabling the employee to perform essential job functions.

c. Determination of Accommodation

The City and the employee will discuss potential accommodations, considering job requirements, operational needs, and the employee's limitations.

If there are multiple potential accommodations, the City will determine whether an accommodation can be provided, and the most appropriate one, considering both employee preference and feasibility.

d. Implementation and Review

Approved accommodations will be provided in a timely manner.

The City may periodically review accommodations to ensure effectiveness and make adjustments as necessary.

7.9 Fitness for Duty:

If at any time the supervisor, department head or City Manager believes an employee is unable to perform assigned duties in a safe and efficient manner, the employee may be required to undergo a Fitness For Duty Examination. The purpose of the examination is to determine the employee's physical or psychological ability to meet the position requirements. The examination shall be performed by a medical doctor selected and paid for by the City. The doctor's report shall be the basis for determining whether the employee is able to perform the duties of the job, with or without accommodation.

7.97.10 Drug-Free Workplace:

Employees of the City of Portola have a responsibility to the community, City, co-workers, and themselves to be capable of functioning properly and efficiently in a

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manner that is not detrimental to the health and safety of the public, their co-workers and themselves and to respond to emergencies during working hours.

7.9.17.10.1 Prohibitions:

No City employee shall report for work, a meeting, a training session, wherever located, or an emergency, in a state of impairment which could affect the employee's conduct to the point of endangering himself/herself or others while under the effects of alcoholic beverage, prescription drugs, non-prescription drugs, legal drugs, illegal drugs, and/or a combination of the above. No employee shall possess, distribute, sell, use, or be under the influence of alcoholic beverages, illegal drugs, legal drugs or controlled substances (other than use or possession of legal drugs provided that such use is in accordance with a prescription or referral and that such use does not cause or result in impairment while on duty or operating a vehicle, equipment or tools or on City business) while on City property, duty, or operating a vehicle, equipment or tools or on City business.

7.9.27.10.2 Storage:

No alcoholic beverages, legal drugs or illegal drugs shall be stored in any City property, except for legal drugs intended to be used in accordance with a prescription.

7.9.37.10.3 Testing:

In the event that the City Manager or Department Head, has reasonable cause to believe that any City employee is in violation of this policy and/or is exhibiting objective signs of impairment while on duty, he/she shall have the authority, through this policy, to search City property and/or to require the employee to immediately submit to a blood alcohol or drug test to determine if this policy has been violated and what corrective action, if any, should be taken. Employees in certain safety sensitive positions, or in positions where testing is required by federal law, may be required to submit to pre-employment, periodic, and random drug tests.

7.10.4 Cannabis:

The City shall not discriminate against an employee or applicant for employment based upon the person's off-the-job use of cannabis, or the results of an employer-required drug screening test that confirmed the presence of non-psychoactive cannabis metabolites.

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7.9.47.10.5 Violation:

Any reported violations of this policy shall be handled as an internal personnel investigation under the supervision and authority of the City Manager and any corrective action recommended to address violations of this policy will be in accordance with the Section 9 of this policy.

7.107.11 Customer Relations:

Employees are representatives of the City and are expected to be polite, courteous, prompt, and attentive to every customer, visitor, and co-worker. The City requires all employees to maintain a pleasant and professional demeanor when on the phone or dealing with the public in person. The phone should be answered in a professional manner, identifying both the person answering and the department that the person represents. Clear, grammatical language should be used at all times, both verbally and in writing, avoiding slang or jargon.

7.117.12 Confidentiality:

Each employee is responsible for safeguarding confidential information obtained during employment. In the course of your work, you may have access to confidential information, including but not limited to personal health care information, regarding the City, its representatives, its customers, employees or others. Employees have the responsibility to comply with applicable privacy laws, including but not limited to the Health Insurance Portability and Accountability Act (HIPAA) and to prevent and avoid revealing or divulging any such information unless it is necessary for the performance of duties. Access to such confidential information should be restricted to those with legitimate need to have the information. If an employee is unsure if certain information is confidential direction will be provided by their immediate supervisor. Any breach of this policy will not be tolerated and legal action may be taken by the City.

7.127.13 Punctuality and Attendance:

As an employee of the City, you are expected to be punctual and regular in attendance. Employees are expected to report to work as scheduled, on time, and prepared to start work. Employees also are expected to remain at work for their entire work schedule, except for meal periods, breaks or when required to leave on authorized City business. Late arrival, early departure, or other unanticipated and unapproved absences from scheduled hours are disruptive and must be avoided. Excessive absenteeism or tardiness may be grounds for disciplinary action. If an employee fails to report for work for two (2) consecutive scheduled shifts without any notification to his/her supervisor, the City will consider that the

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employee has abandoned his/her their employment and will take appropriate action to terminate the employment relationship.

7.137.14 Dress Code:

Employees are expected to be neat and clean, and to dress for work according to generally accepted business and professional standards as dictated by their work assignment and as required by their department. The City reserves the right to restrict dress for legitimate reasons relating to safety, hygiene or environmental conditions.

7.147.15 Information Technology Policy:

The City believes that both productivity and efficiency are improved through the use of electronic information systems such as the Internet and E-mail. The City encourages employees to use these resources in the work place for research, education and communications, provided such use is for City related business and is conducted in keeping with the City's standards of professionalism.

7.14.17.15.1 Applicability:

The following policy applies to all employees and other affiliates who use City provided access to the Internet and/or E-mail, regardless of the user's location when accessing the network.

7.14.27.15.2 Business Use Only:

Information systems, including but not limited to personal computers, network servers, computer networks, computer hardware, electronic mail and bulletin boards, the Internet, the Intranet, telephones, cellular phones **and pagers**, voice mail and all software programs, applications, and operating systems are intended strictly for business use during regular office hours, **and limited personal use during non business hours**, and are the exclusive property of the City of Portola. The City reserves the right to block access to any Internet sites which are determined to be non-applicable for City related business and to block access for certain employees to certain data bases and software for which the employee has no business need to access on behalf of the City of Portola.

7.14.37.15.3 No Expectation of Privacy:

All City electronic information systems are the property of the City and no right to privacy is granted to City employees who use these systems.

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Employees and other users of the Internet, E-mail, voice-mail and electronic information systems, are advised that the City of Portola will, from time to time, monitor systems activities and data. In that regard, the City of Portola may conduct reviews of the content of messages and files and web sites visited on the Internet, including random reviews of **personal** computers, network servers, computer networks, hardware, electronic mail and mail accounts, bulletin boards, telephones and telephone accounts, software, applications and operating systems when, in the exercise of its business judgment, the City of Portola determines that it would be prudent to do so.

7.14.47.15.4 Prohibited Uses—Internet:

The following uses of the Internet are not for City business and are prohibited:

- a. Any unlawful use;
- b. Use for personal gain or solicitation;
- c. Transmission of confidential information to unauthorized destinations or recipients;
- d. Copying, transmitting or receiving copyrighted or licensed software in violation of license or copyright restrictions;
- e. Browsing, posting messages on bulletin boards, or participating in chat rooms, except for City related business;
- f. Offensive or harassing statements or language including disparagement of others based on factors such as their race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), national or ethnic origin, citizenship, ancestry, age, physical disability, mental disability, medical condition, veteran or military status, marital status, sexual orientation, or any other basis protected by federal, state, or local law, ordinance, or regulation;
- g. Viewing, sending or soliciting obscene, offensive or suggestive graphic images or messages;
- h. Threats, libel, slander, or defamation;
- i. Political endorsements;
- j. Use of software not required for City business, or any games, or any other entertainment software;
- k. Downloading of applications or programs from the Internet, unless permission is granted by the department head. This is required in order to prevent infection of the City's local network by computer viruses.

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7.14.57.15.5 Prohibited Uses—E-mail and Electronic Information Systems:

The following uses of E-mail and the City's electronic information systems are not for City business and are prohibited:

- a. Any unlawful use;
- b. Use for personal gain or solicitation;
- c. Transmission of confidential information to unauthorized destinations or recipients;
- d. Copying, transmitting or receiving copyrighted or licensed software in violation of license or copyright restrictions;
- e. Browsing, posting messages on bulletin boards, or participating in chat rooms, except for City related business;
- f. Offensive or harassing statements or language including disparagement of others based on such factors as their race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), national or ethnic origin, citizenship, ancestry, age, physical disability, mental disability, medical condition, family care status, veteran or military status, marital status, sexual orientation, or any other basis protected by federal, state, or local law, ordinance, or regulation;
- g. Sending or soliciting obscene, offensive, or suggestive graphic images or messages;
- h. Threats, libel, slander, or defamation;
- i. Political endorsements.
- j. Use of personal email addresses when communicating City business via email
- i-k. Using Artificial Intelligence (AI) tools, machine learning models, or similar technologies to process, analyze, store, or transmit sensitive, personally identifiable information, and/or classified information.

7.15.6 Additional Security Measures and Best Practices

To safeguard the City's network from threats, the following are prohibited:

- a. Use of external storage/memory devices not owned by the City
- b. Sharing of passwords between staff for any devices and/or software related to the information technology policy

Staff is encouraged to observe best practices to safeguard the City's network by doing the following:

- Verify before acting: Always confirm unusual requests directly with party prior to responding to communication

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- Refrain from clicking suspicious links
- Refrain from opening suspicious attachments
- Never share login credentials
- Use strong, unique passwords
- Enable multi-factor authentication
- Report suspicious activity immediately to the City Manager or Department Head

7.14.67.15.7 Public Records:

The City encourages all employees who use the City's Information Technology and systems to use them only with City owned and provided computers, network servers, computer networks, hardware, electronic mail and mail accounts, bulletin boards, telephones, cell phones, smart phones, and telephone accounts, software, applications and operating systems when conducting City business. However, the City realizes that this may not be possible all of the time. Every employee must recognize and understand that every record pertaining to the conduct of City business, whether it is generated, transmitted, received or stored on City owned or personal computers, network servers, computer hardware, electronic mail and mail accounts, bulletin boards, telephones and telephone accounts, software, applications and operating systems are public records that may be subject to inspection and copying by any member of the public. Upon a request by a supervisor, the City Clerk or the City Manager, employees must immediately search any and all personal computers, hardware, electronic mail and mail accounts, telephone and telephone accounts, software, applications and operating systems for records pertaining to the City's business and provide a complete copy of such records to the City.

7.14.77.15.8 Violations:

Violations of the City's Information Technology policy shall be reviewed on a case by case basis and may result in disciplinary action up to and including termination.

7.157.16 Political Activity:

Political activity described below is prohibited.

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7.15.17.16.1 Use of Resources of Personnel:

It is unlawful for City employees to use public resources or personnel to engage in political activity relating to elective offices and ballot measures. City employees may not engage in political activities while on duty or in the workplace. Employees may not use City resources, such as photocopier or fax machines, telephones, postage, or email, or City social media platforms for political activities. The ban on engaging in political activity while on duty prohibits such activities as circulating petitions, addressing campaign mailers, wearing political clothing, accessories, hats or buttons, or engaging in any other political activities that use City resources or divert employees from their assigned duties.

7.15.27.16.2 Influencing Elections:

City employees are prohibited from using their official positions to influence elections, and from using City funds or resources for political or election activities. Further, City employees may not participate in political activities of any kind while in uniform (i.e., part or all of a uniform they are required or authorized to wear when engaged in official duties).

7.15.37.16.3 Permissible Activities:

During non-working hours, each employee has the unfettered right to engage in political expression and activity on behalf of a political candidate or ballot measure, so long as public funds are not used. However, City badges of employment or office should not be displayed.

7.15.47.16.4 Violations:

Violation of these rules may result in considerable civil and criminal penalties, as well as discipline, up to and including dismissal.

7.167.17 Smoking and Vaping:

Smoking and vaping are is permitted during authorized rest breaks and meal periods, provided that the employee is not in public view while smoking. -Smoking and vaping are is prohibited within 20 feet of entrances, exits, or operable windows of public buildings and all City vehicles or equipment.

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7.18 Weapons Prohibition:

All employees are prohibited from possessing, carrying, brandishing, or using firearms; ammunition; knives (other than small utility or kitchen knives used solely for work-related tasks); explosives; or any other dangerous weapons at any time while on duty, while performing City business, or in City vehicles.

This prohibition applies regardless of any personal permits, licenses, or authorizations an employee may possess. The City does not authorize employees to carry a weapon in the course of their employment.

8. PERFORMANCE EVALUATIONS FOR GENERAL EMPLOYEES

8.1 Goals of Performance Evaluations:

Performance evaluations are conducted to communicate organizational goals and objectives; establish individual employee performance objectives; document employee's performance in relation to the objectives set; counsel the employee on how to improve performance, and improve interaction and understanding between the evaluator and the employee.

8.2 Performance Evaluation Schedule:

Regular performance evaluations should be completed at the end of the twelve-month probationary period, at the end of any extension of probationary period, ~~and annually upon completion of probationary period, and after that,~~ fifteen (15) days prior to the scheduled effective date of ~~a potential~~~~the performance-based~~ salary advancement, ~~as described in Section 8 of these rules.~~ An evaluation may be given at any other time the supervisor deems appropriate.

9. DISCIPLINARY PROCEDURES

9.1 Purpose:

Employees are expected to meet certain standards of job performance, interpersonal skills and conduct. The City may discipline an employee whose

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conduct or performance fails to meet reasonable City standards. Discipline may be imposed for a single incident or for a pattern of conduct. Discipline is intended to focus the attention of the employee on the performance problem and, except in cases of termination, to encourage change.

9.2 Grounds for Disciplinary Action:

The supervisor may dismiss, suspend, demote or otherwise discipline any employee for cause. Causes for disciplinary action include, but are not limited to, the following:

- a. Violation of federal, state or local law affecting the City;
- b. Violation of City personnel policies;
- c. Possession, distribution, sale, use, or being under the influence of alcoholic beverages, legal drugs, illegal drugs or controlled substances (other than legal drugs provided that such use is in accordance with a prescription and that such use does not cause or result in impairment while on duty or operating a vehicle, equipment or tools or on City business) while on City property, while on duty, or while operating a vehicle on City business;
- d. Failure or refusal to comply with a lawful order or to accept a reasonable and proper assignment;
- e. Inefficiency, incompetence, carelessness or negligence in the performance of duties;
- f. Neglect of duty;
- g. Negligent or willful damage to public property or waste of public supplies or equipment;
- h. Improper or unauthorized use of City vehicles or equipment or misappropriation of supplies: loss or misuse of City equipment may require the employee to bear the cost of replacing or recovering equipment or supplies;
- i. Absence without leave or without authorization from supervisor;
- j. Claim of leave under false pretense, or misuse of leave;
- k. Furnishing false information to secure appointment;
- l. Theft or misappropriation of City funds or property;
- m. Acceptance by an employee of any bribe, gratuity, kickback, favor or other items of value including meals and travel when it appears the favor or gratuity is given in the hope or expectation of receiving preferential treatment;
- n. Unreasonable failure to undergo a medical examination or a drug and alcohol test authorized by these regulations;
- o. Excessive absenteeism or tardiness;
- p. Falsification of payroll time sheets or records;
- q. Unlawful harassment;
- r. Failure to report incidents or observations of harassment, or other unlawful activities;

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- s. Failure to cooperate with the investigation of harassment or other unlawful activities;
- t. Actual or threatened physical violence;
- u. Threatening, intimidating, coercing any City employee or official or member of the public;
- v. Vulgar or abusive language;
- w. Possession or use of dangerous or unauthorized materials, such as explosives, firearms, or other similar items, while on City property, while on duty, or while operating a City vehicle;
- x. Sleeping, or giving the appearance of sleeping, while on duty;
- y. Failure to obtain or maintain a certificate or license required for current position;
- z. Failure to comply with accepted safety practices;
- aa. Job abandonment;
- bb. Insubordination.

9.3 Types of Discipline:

Disciplinary actions include counseling, oral reprimand, written reprimand, reduction in pay or benefits, suspension without pay, demotion and termination. Discipline may include any one or any combination of actions, and the actions may not necessarily be applied in any defined order.

9.4 Progressive Penalties:

In general a supervisor's approach to matters requiring disciplinary action will consist of the following:

Offense	Action	Penalty
First	Verbal Warning	None
Second	Written Report in Personnel File	None
Third	Written Report in Personnel File	Suspension without pay
Fourth	Written Report in Personnel File	Termination

The seriousness of the offense shall be taken into account by the supervisor and the supervisor need not necessarily proceed to the next level of disciplinary action upon the repetition of the offense. In order for a supervisor to proceed to the next level of disciplinary action, the offense need not be a repetition of a prior offense. An employee will be notified whenever a written report is placed in his/her personnel file and given seven (7) working days from the date of such notice to provide a written response to be placed in his/her personnel file.

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9.5 Exceptions to progressive penalties:

A supervisor need not always follow the progressive penalty schedule contained in Section 9.4

9.5.1 Directly to Step 3:

~~Instances in which supervisors may proceed directly to the third step include, but are not limited to, the following: 1) Serious violation of City safety regulations, procedures and/or a supervisor's instructions.~~

9.5.2 Directly to Step 4:

~~Instances in which supervisors may proceed directly to the fourth step include but are not limited to the following: 1) Intentional refusal to follow a supervisor's instructions; gross insubordination; 2) Violations of the basic rules of conduct such as intoxication or theft; 3) Action affecting probationary or temporary employees.~~

9.6 Notice and post-disciplinary review:

To be conducted in any case involving a written report and/or penalty amounting to an employee's loss of not more than five (5) days pay during a twelve-month period, for example three (3) days suspension without pay. No review is required in cases involving only a verbal warning.

9.6.1 Written Report with or without Suspension:

In the case of a written report without any suspension, the written report shall immediately be placed in the employee's personnel file.

In the case of suspension without pay amounting to an employee's loss of not more than five (5) days pay during a twelve-month period, a written report shall immediately be placed in the employee's file, the employee shall be suspended immediately, and the employee shall not be paid for the period of suspension.

At the time that the discipline is initiated, the supervisor shall deliver to the employee a written notice containing the following:

- A notice of the disciplinary action to be taken
- The reason or reasons for the action.
- The charges and the materials upon which the disciplinary action is based, including dates and specific incidents.

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- A notification that the employee has the right to a post-disciplinary review, and that the employee may initiate a post-disciplinary review by utilizing the procedure contained in Section 22 of this Policy.

9.6.2 Post-Disciplinary Review:

If the employee elects to initiate a post-disciplinary review by utilizing the grievance procedure, then the employee and the City shall be bound by all the terms, including the time limits, of the grievance procedure. The grievance procedure shall be the sole method of obtaining a post-disciplinary review for all employees.

9.7 Notice and pre-disciplinary review:

To be conducted when imposing a penalty which exceeds an employee's loss of more than five (5) days pay during a twelve-month period – for example, lengthy suspension or discharge.

9.7.1 Written Notice:

At the time that the discipline is proposed, the supervisor or Department Head shall deliver to the employee, and place in the employee's personnel file, a written notice containing the following:

- A notice of the disciplinary action to be taken
- The reason or reasons for the action.
- The charges and the materials upon which the proposed disciplinary action is based, including dates and specific incidents.
- A notification that the employee has the right to a pre-disciplinary review at which he may respond, either orally or in writing, to the City Manager and to meet with the City Manager to discuss the proposed discipline.
- A notification that: 1) If the proposed discipline is suspension without pay, the employee shall be suspended immediately but shall be paid for a period of five working days after the suspension takes effect. The employee shall also be notified of the date, time and place of a pre-disciplinary review that shall take place on a working day, during working hours, prior to the end of said five-day period. The review shall be scheduled at a time and date agreeable to the employee. 2) If the proposed discipline is discharge, the employee shall be suspended immediately but shall be paid for a period of five working days after the suspension takes effect. The employee shall also be notified of the date, time, and place of a pre-disciplinary review that shall take place on a working day, during working hours, prior to the end of said five-

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day period. The review shall be scheduled at a time and place agreeable to the employee.

9.7.2 Continuation of Review:

The pre-disciplinary review may be continued upon the written request of the employee, but if continued the City need not pay the employee for any working days after the end of the initial five day period.

9.7.3 Conduct of Review:

The pre-disciplinary review shall be conducted by the City Manager.

9.7.4 Response to Review:

During the pre-disciplinary review, the employee will be provided with an opportunity to respond orally or in writing and to be represented by a person of their~~his~~ choice. Further, the employee will have an opportunity to question all materials and individuals involved in the issues, and to present materials and witnesses on the employee's behalf. The City shall also be entitled to present witnesses concerning the charges contained in the notice to the employee. The review shall be conducted informally, without regard to technical rules of evidence. Either party may transcribe or record the review.

9.7.5 Decision:

The City Manager shall issue a written determination as to whether the proposed disciplinary penalty will be sustained, sustained in part and revoked in part or revoked, within one business day from the date of the pre-disciplinary review. A copy of the decision shall be delivered to the employee personally or sent by first class mail via certified mail, return receipt requested addressee only signature.

9.7.6 Non-Appearance:

In the event the employee does not appear at the pre-disciplinary review, or notifies the supervisor, Department Head or City Manager that he will not appear, the penalty will be sustained and the supervisor or Department Head will immediately proceed to effect the proposed disciplinary action.

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9.7.7 Suspension without Pay:

If the proposed discipline is suspension without pay and the penalty is sustained, then the City shall, within the following thirty days, withhold the pay that the employee would otherwise have earned for the period of the suspension. If the proposed discipline is suspension without pay and the penalty is revoked, the employee shall be immediately reinstated with no loss of pay.

9.7.8 Discharge:

If the proposed discipline is discharge and the penalty is sustained, then the discharge shall become effective immediately upon issuance of the written determination and the employee shall not receive any pay after the expiration of five working days after the original suspension took effect. If the proposed discipline is discharge and the penalty is revoked, the employee shall immediately be reinstated with no loss of pay.

9.7.9 Grievance:

If the employee is dissatisfied with the determination resulting from the pre-disciplinary review, their~~his~~-recourse shall be to utilize the procedure contained in Section 22, Grievance Resolution Procedures of this policy. If the employee utilizes the grievance procedure, then the employee and the City shall be bound by all terms, including the time limits, of the grievance procedure. The grievance procedure shall be the sole method of obtaining a further review of the disciplinary action for all employees.

9.8 Removal of written report from personnel file:

If a written report is placed in an employee's personnel file and the employee is not subject to any further disciplinary action of a similar or related nature for a period of two years, then the written report shall be removed from the employee's personnel file.

9.9 Administration:

Whenever any personnel problem occurs with respect to unsatisfactory performance, attendance, or any other matter affecting the orderly execution of job requirements, the supervisor or Department Head is expected to cope with the situation promptly, constructively and in a tactful manner. Avoiding or putting off needed action of this nature constitutes neglect of supervisory responsibility, undermines overall management effectiveness, and frequently results in an injustice to the employee.

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9.9.1 Corrective Measure:

~~Each of~~ ~~T~~the first ~~two~~ steps of the disciplinary procedure ~~are~~ ~~is~~ to be regarded as a corrective measure and ~~are~~ ~~is~~ to be conducted with appropriate instruction which, if followed, would make further steps unnecessary.

9.9.2 Effect of Policy:

The effect of this policy should be:

- The reduction of involuntary terminations.
- The avoidance of minimizing of misunderstandings between supervisory and non-supervisory personnel.
- Ensuring that personnel are provided with notice of unacceptable conduct in sufficient time to permit self-correction and improvements.
- The ensuring that documentation is available to support management's position in the event of discriminatory charges with respect to sex, race, etc.

9.9.3 Reports:

Each written report will contain a description of the events requiring disciplinary action. Copies are expected to be distributed promptly to those concerned and will include one copy to be contained in the employee's personnel file.

10. ~~PERFORMANCE-BASED~~ COMPENSATION SYSTEM

10.1 Intent:

The City of Portola will compensate an employee based on the employee's on-the-job performance and within the City budget. The objectives of the ~~performance-based~~ compensation system are (1) to attract and retain quality employees and (2) to encourage and fairly reward job achievement ~~, by providing differential salary increases based on employee performance.~~

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10.2 Salary and Wage Plan Preparation:

The City Council shall adopt a Salary and Wage Plan ~~from time to time annually in compliance with CCR570.5 when required~~. The Plan shall identify the minimum, maximum and all related salary steps within the salary range for each job position. As of July 1, 2015 the City Council changed the step program to 5 steps for all new employees with a 5% increase per step, one every other year upon a ~~successful~~ performance review ~~score of satisfactory or above~~. Employees are eligible for 5% longevity increases to their current pay rate at 15, 20 and 25 years of full-time, continuous and compensated service measured from the date of hire. Eligibility is based on satisfactory performance and years of service.

10.3 Determination of Compensation:

New regular full time and ~~regular~~ part time employees shall start at step 1 of the step program; however, depending on the qualifications and experience of the employee, he or she may start at step 2 at the discretion of the City Manager. ~~Adjustments to an employee's compensation level shall be based on the employee's performance evaluation. Performance-based salary adjustments shall be made solely at the discretion of the City and shall not be subject to grievance or appeal processes unless the salary is adjusted downward.~~ Except for a re-assignment or adjustment force due to business necessity, a reduction in pay is a form of discipline and is subject to the procedural rules of Chapter 9.

10.4 Performance-Based Salary Advancement:

Rules for salary advancement within an established salary range are listed below:

10.4.1 Rating and Advancement:

Based on ~~eligibility and~~ the most recent performance evaluation's ~~associated rating and associated rating~~, an employee may advance one step within the range. The rating system with corresponding salary step increases shall be clearly defined on the evaluation form, reflecting the adopted structure as per section 10.2.

10.4.2 Effective Date for Compensation Determination:

An employee's anniversary date is the effective date for- ~~the step program performance reviews. performance-based salary advancement~~. This date is applicable even if no ~~performance-based~~ salary adjustment is provided because either (1) job performance rating is below the minimum to qualify for an increase or (2) the employee is at the top of the salary range for that position. In June 2022 a revised salary and step program was adopted.

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Employees who were employed at that time have July 1st as their anniversary date.

10.4.3 Effect of Leaves of Absence on ~~Performance-Based~~ Salary Advancement:

The anniversary date for an employee on an approved leave of absence shall be postponed from the original anniversary date by a period equal to the length of the leave of absence.

11. PAYROLL PROCEDURES

11.1 Personnel Records:

The payroll and employee status records shall be prepared and maintained by the City. It is the employee's responsibility to report a change of home address to the City within one (1) week of the change.

11.2 Pay Days and Pay Periods:

Employees shall be paid on a ~~b~~^{Bi}-weekly basis, with pay days every other Thursday~~Friday~~. In the event that this day falls on a Bank holiday, pay day will be the preceding ~~work-day~~workday.

11.3 Payroll Deductions:

Payroll deductions from employee paychecks fall into two categories: required and voluntary. Required by federal or state law or by City policy include garnishments, Medicare, state disability insurance, federal and state withholding depending on W4-~~submittals~~determination. Voluntary deductions may include contributions to a section 457(b) retirement plan and payments for health insurance premiums.

11.4 Time-~~Records~~Report Sheets:

For purposes of record keeping, employees shall submit time records in a manner and on a schedule as provided by the City. Payroll data for all employees will be compiled from time records in a form approved by the City Manager. Falsification of time records is prohibited.

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11.5 Work Week for Payroll Purposes:

The standard work week is defined as forty (40) hours beginning 12:01 A.M. Saturday and ends at 12:00AM the following Saturday.

11.6 On-Call Pay:

Qualified employees are required to participate in an on-call weekly rotation starting Friday at 5pm and ending the following Friday at 5pm.

Definition of “On-Call”:

On-call duty shall guarantee an onsite response by the employee within thirty minutes of receiving the call out on a 24 hour24-hour basis. For example, travel to Reno, Nevada is outside this requirement and will not be permitted while an employee is on-call.

Duties and Responsibilities:

-On-call duties shall be outlined by the City Manager or Department Head. An employee failing to comply with the onsite response call back time may, upon determination of the City Manager, forfeit the On-call pay for that day and may be subject to disciplinary action.

On-call Compensation:

- On-call rate of pay is as follows:
 - Week (no holidays): \$373.14
 - Week (1 Holiday): \$414.60
 - Week (2 Holidays): \$456.06
 - Weekday: \$41.46/day
 - Weekend: \$82.92/day
 - Holiday: \$41.46/day
- Employees that are on-call shall receive 2.0 hours of minimum pay at the appropriate rate upon call out per day
- When an employee is called out for longer than 2.0 hours, the employee is paid in 15 minute increments for additional on-call work
- Employees are entitled to only the on-call rate of pay as dictated above if they are not called out for duty
- On call duties are included in the rate of pay dictated above and are not considered a call out. Employees performing only on call duties while on call will not receive the 2.0 hours of minimum pay for that day unless they are called out.

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- For on-call work that does not require physically leaving one's residence or location, the employee shall be available for additional duties within the 2.0 hour minimum and shall track number of hours worked over 2.0 hours of minimum pay in 15 minute increments.

On-call Payroll Reporting:

- Employee is required to submit all timecards and supporting details for any on-call compensation to the Department Head
- Department Head will review and submit final hours to the Accounting Department

11.7 Final Pay:

If an employee provides at least seventy two (72) hours notice, the employee shall receive the final paycheck on the last day of employment. If less than seventy-two (72) hours notice is given, the City shall issue the final check within seventy-two (72) hours. If an employee is terminated, the final paycheck shall be issued on the last day of employment. Final payment will be paid by the first regular payday of the last pay period that the employee worked

12. WORK WEEK

12.1 Hours of Business:

Unless otherwise established and authorized by the City Manager/~~designee~~, all City offices shall be kept open from 9:00 a.m. to 54:00 p.m. Monday through Thursday~~Friday~~ except for recognized State and Federal holidays pursuant to Section 14.1. If employees are scheduled on a Friday then they will have Monday to work a 4 day work week.

12.2 Scheduled Work Weeks and Work Hours for Full-Time Employees:

Regular full-time employees are scheduled to work a total of forty (40) hours during each work week. The customary work week is Monday through Thursday~~Friday~~ and the customary work day is from 78:00 a.m. to 65:00 p.m. with a one (1) hour unpaid lunch period, As an alternate employees can schedule their time for 10 hours and eliminate a lunch break. Under this condition, aA 5-

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20 minute break is compensable, unless an alternate schedule is approved by the Department Head.

12.3 Flex Schedule for Full-Time Employees

Flex schedules can be utilized under certain circumstances with approval from the City Manager.

12.312.4 Lunch or Meal Periods:

A regular schedule for lunch or meal periods may be authorized by the supervisor or Department Head.

12.412.5 Break Periods:

Employees may be allowed one ten-minute break for each four (4) hour period worked. Breaks are generally scheduled in the middle of each four (4) hour work period. However, the supervisor or Department Head shall have the authority to arrange break times which best meet the needs of the department and the City.

13. OVER TIME AND COMPENSATORY TIME OFF

13.1 Introduction:

All employees are categorized as exempt or non-exempt from the hours and wages requirements of the Fair Labor Standards Act (FLSA).

13.1.1 Exempt Category:

The City Manager and Mid-Management Groups, as defined in Section 3.3 of these rules, are in this category.

13.1.2 Non-exempt Category:

General Employment Groups, as defined in Section 3.3 of these rules, are in this category.

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13.2 Applicability:

The policies, rules, and regulations stated in sections 13 below 14.3 through 14.9 of these rules apply to employees in the Non-exempt category.

13.3 Payment of Overtime and Compensatory (Comp) Time:

The Fair Labor Standards Act (FSLA) requires the payment of overtime, or the granting of compensatory time off, at a rate of one and one-half times the hours worked in excess of forty (40) hours in each workweek for non-exempt employee classifications.

13.4 Overtime Approval:

All hours worked in excess of forty (40) hours in a workweek, unless performed as a result of emergency conditions, must receive prior approval of the supervisor or Department Head. In the case of overtime worked in an emergency situation, the supervisor or Department Head shall be notified of the overtime worked as soon as possible.

13.5 Overtime Limits:

Overtime approved by the supervisor or Department Head may not exceed budgeted amounts, unless approved by the City Manager.

13.6 Overtime Calculation:

For purposes of calculating overtime and compensatory time off, “hours worked” means actual hours worked. For purposes of calculating overtime wages, cash payments made in-lieu-of benefits shall be included along with added to the base rate to determine the employee’s regular rate of pay.

13.7 Compensatory Time in Lieu of Overtime:

Eligible employees who wish to accrue compensatory time in lieu of payment for overtime shall so indicate on their time sheet. The maximum compensatory time accrual may not exceed sixty (60) hours at any point in time (forty overtime hours worked multiplied by 1.5). Overtime hours worked which would result in the accrual of more than sixty (60) hours compensatory time shall be paid in the pay period they are earned.

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13.8 Use of Compensatory Time:

Use of accrued compensatory time may be used in accordance with the regulations in Section 15.1, ~~Vacation Leave and may also be used in increments of less than a 54 hour period with prior approval of the supervisor or department head.~~

13.9 Management Leave:

In lieu of overtime compensation, employees in the Mid-Level Professional/Supervisory employment group and the City Manager are eligible for 40 hours of annual management leave, which may be used upon approval of the department head. Management Leave will be awarded on a prorated basis in the first year of employment and on July 1st of each year thereafter. Accrued and unused management leave may not be carried over to the new fiscal year and will be paid to the employee prior to the end of the City's fiscal year at fifty-percent of the accumulated hours at the employee's current rate of pay.

14. HOLIDAYS

14.1 Scheduled Holidays:

The City observes the following paid holidays:

1. New Year's Day
2. Martin Luther King, Jr. Day
3. Lincoln's Birthday
4. President's Day
- 4.5. Cesar Chavez Day
- 5.6. Memorial Day
- 6.7. Juneteenth
- 7.8. Independence Day
- 8.9. Labor Day
- 9.10. Indigenous People's Day~~Columbus Day~~
- 10.11. Veterans Day
- 11.12. Thanksgiving Day
12. ~~Day after Thanksgiving~~
13. Christmas Eve Day
14. Christmas Day

New Years Eve Day

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14.2 ~~Weekend~~ “In Lieu Of” Holidays:

For a Monday through Thursday work schedule with Friday, Saturday, and Sunday as nonwork days, “in lieu of” holidays will be observed as follows:

- Holiday falls on Friday the Holiday is observed the preceding Thursday
- Holiday falls on Saturday the Holiday is observed the preceding Thursday
- Holiday falls on Sunday the Holiday is observed the following Monday

~~Holidays that fall on a weekend will be observed according to the Federal or State holiday schedule. Generally, when a holiday falls on a Saturday, it shall be observed on the preceding Friday. When a holiday falls on a Sunday, it shall be observed on the following Monday. If the preceding Friday or succeeding Monday is also a holiday, then the holiday is observed on the next preceding or succeeding work day.~~

Other changes in Holiday scheduling may be made at the discretion of the City Manager. An additional holiday declared by the State or Federal government may be recognized as a holiday by the City as determined by the City Manager.

14.3 Holiday Pay:

On City holidays, regular full-time employees shall be entitled to time off with full pay. Regular part-time employees shall be entitled to time off with pay prorated on a part-time basis equivalent to the fraction of a full work week (40 hours) that the part-time employee is regularly scheduled. An employee who resigns may not select a holiday as the employee’s last day of employment.

~~If a regular full-time employee is not scheduled to work on a City holiday (for example, the employee regularly has Mondays off and the holiday falls on a Monday), then the regular full-time employee may take the next business day (for example, Tuesday) as a holiday.~~

14.4 Holiday Pay for Employees Required to Work on a Holiday:

Non-exempt category employees who are eligible for holiday pay in accordance with these rules and who are required to work on the holiday shall receive the following compensation: teneight (108) hours of pay at the straight time rate of pay plus an amount equal to the straight time rate of pay for the first teneight (108) hours worked on the holiday and an amount equal to one and one half times the rate of pay for all hours worked in excess of teneight (108) hours during the holiday.

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15. VACATION/ SICK LEAVE

15.1 Vacation Leave

15.1.1 Vacation Accrual:

Vacation leave shall begin accruing on the first day of employment and shall continue to accrue at the following rates:

15.1.1.1 Regular Full-Time:

Regular full-time employees shall accrue annual vacation leave pursuant to the following schedule for each 80-hour pay period.

Years of Service	Accrued per Pay Period	Days per Year
1 – 2	3.08 hours	10
3 – 5	3.70 hours	12
6 – 10	4.62 hours	15
11 +	6.16 hours	20

15.1.1.2 Regular Part-Time:

Regular part-time employees shall accrue vacation leave pursuant to the schedule provided for regular full-time employees' equivalent to the fraction of a full work week (40 hours) that the part-time employee worked during the pay period. is regularly scheduled.

15.1.1.3 Part-Time/Temporary/Seasonal Employee:

Part-Time/Temporary/Seasonal Employees do not accrue vacation leave.

15.1.2 Extension of Anniversary Date:

Cumulative unpaid absences of 30 days or more within a 12 month period will be rounded to the nearest number of whole months and extend the anniversary date by that number of whole months. For example, unpaid absences of 38 days will extend the anniversary date by one month; unpaid absences of 79 days will extend the anniversary date by three months.

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For purposes of this policy, unpaid is defined as not receiving City-paid wages for hours worked.

15.1.3 Periods of Non-Accrual:

Vacation and sick leave ceases to accrue during periods of unpaid absence.

15.1.4 Maximum Accrual of Vacation Leave:

Employees active prior to the amendment adopted by City Council on {DATE} have legacy status as follows:

No maximum accrual of vacation leave.

New Employees:

Maximum accrual of 240 480 hours of vacation leave. Upon reaching the maximum, vacation leave will cease to accrue until the accrual drops below the maximum.

15.1.415.1.5 Maximum Carryover- of Vacation Leave:

Employees may not carry over more than 2430 days vacation leave per calendar year unless approved by the City Manager. It is the responsibility of the employee to make application to the City Manager for carryover of unused vacation leave ninety days in advance of December 31st. Unused vacation leave in excess of 2430 days on December 31st shall be paid to the employee in the next regular pay period at the current straight time salary rate. Employees shall be encouraged to take a minimum of 10 days per year vacation leave for personal wellbeing.

15.1.515.1.6 Eligibility for Use:

Employees shall not be eligible to use vacation leave until completion of probation, unless special approval is granted by the City Manager. Under no circumstances shall paid vacation leave be authorized beyond the amount which has been accrued by the employee.

15.1.615.1.7 Minimum Increments of Leave Usage:

Accrued vacation leave shall be available to employees in teneight (108) hour increments, unless a fivefour (54) hour increment is approved by the City Managerssupervisor or Department Head.

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15.1.715.1.8 Request for Leave:

Except in the event of unforeseeable events, requests for vacation leave must be submitted in writing to the City Manager or Department Head ~~or supervisor~~ two weeks prior to the beginning of the requested time off. All requests for time off are subject to the City Manager or Department Head approval. The City Manager or department head has discretion to waive the two week notification requirement. Vacation Leave may not be used to modify a work schedule.

15.2 Sick Leave

15.2.1 Sick Leave Accrual:

Sick leave shall begin accruing on the first day of employment and shall accrue at the following rate:

15.2.1.1 Rate of Accrual: Regular Full-Time:

Regular full-time employees shall accrue sick leave at the rate of 4 hours per each 80 hour pay period.

15.2.1.2 Regular Part-Time:

Regular part-time employees shall accrue sick leave pursuant to the amount for regular full-time employees prorated on a part-time basis equivalent to the fraction of a full work week (40 hours) that the part-time employee is ~~regularly~~ scheduled.

15.2.1.3 Part-Time/Temporary/Seasonal Employee:

Part-Time/Temporary/Seasonal Employee sick time is detailed in the Other Provisions section below.

15.2.2 Periods of Non-Accrual:

Sick leave ceases to accrue during periods of unpaid absence.

15.2.3 Maximum Accrual of Sick leave:

Employees active prior to the amendment adopted by City Council on {DATE} have legacy status as follows:

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Regular full-time full-time and regular part-time employees may accrue sick leave up to 720 hours. Upon discontinuation of service employee shall receive payment of twenty-five percent of accumulated hours at the employee's current rate of pay upon separation of service. Regular part time employees may accrue sick leave up to 360 hours. Upon discontinuation of service employee shall receive payment of twenty-five percent of accumulated hours at the employee's current rate of pay upon separation of service or upon retirement, if eligible, apply to service credit under CalPERS regulations.

New employees:

Regular full-time and regular part-time employees may accrue sick leave up to 500 hours. Upon discontinuation of service employee shall receive payment of twenty-five percent of accumulated hours at the employee's current rate of pay upon separation of service or upon retirement, if eligible, apply to service credit under CalPERS regulations.

15.2.4 Use of Sick Leave:

Sick leave may be used for the following purposes: diagnosis, care, or treatment of an existing health condition of, or preventive care for the employee themselves or certain family members of the employee including a child of any age or dependency status, a parent, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, sibling, or "designated person". medical/vision/dental examinations for the employee, their spouse, domestic partner and dependent family members, caregiving for illnesses of same and for employee illness.

Employees who are victims of domestic violence, sexual assault, stalking or other crime may use sick leave to (1) obtain or attempt to obtain a temporary restraining order or other court assistance; (2) obtain medical attention, psychological counseling, or services from a shelter or other program; or (3) participate in safety planning.

Twenty four (24) hours of sick leave per calendar year may be used for reasons of personal necessity.

When circumstances necessitate the use of sick leave without prior notice or approval, the employee shall notify the supervisor or department head as soon as the employee becomes aware that use of sick leave is necessary.

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In cases of planned use of sick leave, the employee should present a request for use of sick leave to the supervisor or department head for approval at least one (1) week prior to the requested time off. The employee may be required to submit a healthcare provider's ~~doctor's~~ certificate for sick time of duration of three (3) or more days.

Accrued sick leave shall be available to employees in 2 hour increments, unless a 1 hour increment is approved by the supervisor or Department Head.

15.2.5 Other Provisions (Healthy Workplaces, Healthy Families Act of 2014 as Amended in 2024):

Where other provisions of the City's Personnel Policy do not provide an employee with paid sick leave, the provisions of this section apply and conforms with the Healthy Workplaces, Healthy Families Act of 2014 to provide the following paid sick leave benefits:

An employee who works for the City for 30 or more days within one year from the beginning of employment is entitled to paid sick leave.

Paid sick leave accrues at the rate of one hour per every 30 hours worked and is paid at the employee's regular wage rate. Accrual shall begin on the first day of employment.

Accrued paid sick leave shall carry over to the following year of employment and will be capped at 6048 hours or 6 days. ~~However, if the employee becomes eligible for paid sick leave, paid leave or paid time off policy (PTO) that provides no less than 24 hours or three days of paid leave or paid time off pursuant to other provisions of the City's Personnel Policy, no accrual or carry over is required if the full amount of leave is received at the beginning of each year in accordance with the policy.~~

An employee may use accrued paid sick days beginning on the 90th day of employment.

~~The City shall provide paid sick days upon the oral or written request of an employee for themselves or a family member for the diagnosis, care or treatment of an existing health condition or preventive care, or for an employee who is a victim of domestic violence, sexual assault, or stalking.~~

The City may limit the use of paid sick days to 3024 hours or three days in each year of employment.

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16. LEAVES OF ABSENCE

16.1 Eligibility:

Regular full-time and regular part-time employees are eligible for leave as follows:

- ~~California Family Rights Act (CFRA) Family and Medical Leave (includes California Family Rights Leave)~~
 - Pregnancy Disability Leave ~~& SB 848~~
 - Unpaid Personal Leave
 - Bereavement Leave
 - Work-Incurred Injury or Illness Leave
 - Military Leave
 - Jury Leave
 - School Visit Leave
 - Emergency Leave
 - Voting Leave

16.2 Leave Request:

A leave of absence request must be approved by the employee's department head, then submitted to the City Manager for final consideration. Except in circumstances which prevent advance notice, the employee should provide a minimum of thirty (30) days' notice. If family and medical leave is requested, the City will provide the notice concerning rights and benefits required by law.

16.3 Holiday Pay, Vacation and Sick Leave Accrual During Unpaid Leaves:

There are no paid holidays and vacation/sick leave ceases to accrue during periods of unpaid absence. For purposes of this policy, unpaid is defined as not receiving City-paid wages.

16.4 Effect on Anniversary Dates:

An unpaid leave of absence of 30 or more cumulative days in a twelve-month period constitutes a break in continuous employment. As a result, a regular employee's vacation leave accrual years of service date and performance

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evaluation date shall be extended by the amount of time equivalent to the amount of unpaid leave time taken for the length of all authorized leaves of absence exceeding 30 cumulative days in a twelve-month period. These time extensions shall be rounded to the nearest whole month. For example, unpaid leave of 40 cumulative days would extend an employee's vacation leave accrual years of service date and performance evaluation date one month; unpaid leave of 47 cumulative days would extend them 2 months.

16.5 Insurance Benefit Premiums During Leaves:

Regular employees who are receiving compensation during an approved leave of absence, either from Vacation or Sick Leave accruals or workers' compensation benefits, shall have their insurance benefit premiums paid on the same basis as if they were not on leave. Unless otherwise stated in these rules and regulations, employees who are granted an unpaid leave of absence and who wish to continue health insurance coverage may do so at their expense at the City's group rates, in accordance with COBRA provisions. Employees must arrange for benefit payments prior to commencement of the leave in order to avoid a lapse in insurance coverage.

16.6 Return Notice:

An employee who is granted a leave of absence which exceeds thirty (30) days must provide the City with two (2) weeks' notice prior to the anticipated return to work date. Failure to return to work from any leave of absence on the next scheduled workday following the expiration of a leave of absence may result in discipline, including termination.

16.7 Reduction or Restructuring of Work Force During Leaves of Absence:

If business conditions require a reduction or restructuring of the workforce, employees on an approved leave of absence will be treated as active employees in accordance with Chapter 6 of these rules.

16.8 ~~California Family Rights Act (CFRA) Family Leave and Medical Leave (FML)~~:

~~To qualify for family and medical leave, an employee must have been employed by the City for a period of twelve months, if a full-time employee, or for at least 1250 hours during the 12-month period immediately preceding the leave. Unpaid FML may be granted for the following reasons: the birth of a child to an~~

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~~employee or placement of a child with an employee in connection with the adoption or foster care of a child by an employee; care of a child, parent, spouse or spouse equivalent who has a serious health condition; or an employee's own serious health condition that makes the employee either unable to work at all or unable to perform one or more of the essential functions of the position assigned. To qualify for CFRA leave, an employee must have been employed by the City for a period of twelve months, if a full-time employee, or for at least 1250 hours during the 12-month period immediately preceding the leave. An employee is eligible to take unpaid CFRA if the employee has a serious health condition or to care for a child, spouse, domestic partner, parent, grandparent, grandchild, sibling, or any someone else with a blood or family-like relationship with the employee ("designated person") who has a serious health condition. A serious health condition is an illness, injury, or physical or mental condition that involves either inpatient care or continuing treatment by a healthcare provider. An employee may also take unpaid CFRA for the birth of a child or bonding with a new child in connection with birth or placement of a child with an employee in connection with the adoption or foster care of a child by an employee~~

16.8.1 Certification Required:

The City may require certification from the patient's attending health care provider to support the request for leave to care for a family member or due to their own medical condition. The certification shall specify the commencement date of the event which prevents the employee from performing the functions of their position, the anticipated duration of the leave, and a statement indicating the reason(s) the employee is either unable to perform the functions of their position or is required to be absent in order to attend to the serious health condition of a family member.

16.8.2 Amount of CFRA Family or Medical Leave:

Eligible employees are entitled to an CFRA FML of absence totaling twelve (12) weeks during any consecutive twelve (12) month period, beginning on the day the employee first takes CFRA family and medical leave. This leave shall be in addition to any disability leave associated with pregnancy, childbirth, or related pregnancy conditions.

16.8.3 Intermittent Leave:

Under some circumstances, leave may be taken on an intermittent or reduced leave schedule. "Intermittent leave" is leave taken in separate blocks of time due to a single illness or injury, rather than for one continuous period of time, and may include periods of an hour or more to several weeks.

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16.8.4 Use of Accrued Paid Leave While on- CFRAFML:

An employee shall be required to use accrued vacation leave, sick leave, management leave, compensatory leave, or any combination of accrued paid leave during the duration of CFRAFML to the extent available, beginning on the first day of CFRAFML. The remainder of leave shall be on an unpaid basis.

16.8.5 Insurance Benefit Premiums During- CFRAFML:

An employee is eligible for the same insurance benefits and premium payment arrangement during CFRAFML as if the employee were not on leave, for a maximum of twelve (12) weeks. An employee on unpaid leave beyond the twelve (12) weeks is no longer considered on CFRAFML and, therefore, if the employee wishes to continue health insurance coverage he or she may do so at his or her expense, at the City's group rates, in accordance with COBRA provisions. The employee must arrange for payment of the premium contribution, if any, prior to commencement of the leave. A lapse in insurance coverage will occur if a premium payment is more than 30 days late.

16.8.6 Reinstatement:

An employee who takes CFRAFML shall be eligible for reinstatement to the employee's former position at the former rate of pay. However, if the position is not available due to business necessity, the City may instead offer a job that is comparable in terms of pay, location and job content. An employee retains the same right to employment as if not on CFRA family and medical leave.

16.8.7 Reinstatement for Key Employees:

If reinstatement of a key employee causes a substantial and grievous economic hardship to the City, the City may deny reinstatement of the key employee to the position held at the time CFRA family and medical leave was requested. A key employee is defined as an employee who is paid on a salary basis and is among the highest paid 10 percent of the employees as determined at the time of the request for leave.

16.9 Pregnancy Disability Leave & SB 848:

Pregnancy disability leave shall be granted without pay to eligible employees. Pregnancy disability leave will be allowed for a period of time not exceeding four

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(4) months. An employee requesting pregnancy disability leave shall provide the City with certification from her health care provider stating the anticipated delivery date and estimated dates and duration of the disability. If there is a change in diagnosis, and the dates are either accelerated or delayed, notification from the health care provider shall be required.

Employee will continue to receive group health insurance coverage during pregnancy disability leave.

Additionally, the employee has a right to leave for miscarriage, unsuccessful assisted reproduction, or failed adoption per SB 848.

- Eligible employees can take up to five days (50 hours) of unpaid leave following a qualifying reproductive loss event. An employee may use vacation, personal leave, accrued and available sick leave, management leave, or compensatory time off that is otherwise available to the employee, otherwise the leave will be unpaid. This leave must be utilized within three months of the event.
- Eligible employees are both full-time and part-time employees who have worked for the City for at least 30 days within a year and completed a 90-day employment period before taking leave.

16.9.1 Use of General Leave While on Pregnancy Disability Leave:

Employees may use accrued vacation leave, management leave, accrued compensatory time, or any combination of accrued paid leave during the duration of their pregnancy disability leave.

16.9.2 Reinstatement:

An employee who takes a pregnancy disability leave shall be eligible for reinstatement to the former position at their former rate of pay. However, if the same position is no longer available due to business necessity, the City may instead offer a job that is comparable in terms of pay, location and job content.

16.9.3 Physician's Statement:

The City reserves the right to require an employee returning from a pregnancy disability leave to provide a physician's statement that certifies the employee's fitness for duty.

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16.9.4 Insurance Benefit Premiums

An employee is eligible for the same insurance benefits and premium payment arrangement during Pregnancy Disability Leave if the employee were not on leave, for a maximum of four (4) months. An employee on unpaid leave beyond the four (4) months is no longer considered on Pregnancy Disability Leave and, therefore, if the employee wishes to continue health insurance coverage he or she may do so at his or her expense, at the City's group rates, in accordance with COBRA provisions. The employee must arrange for payment of the premium contribution, if any, prior to commencement of the leave. A lapse in insurance coverage will occur if a premium payment is more than 30 days late.

16.10 Unpaid Personal Leaves:

A personal leave of absence is a leave of absence without pay and without benefits or a voluntary reduction in hours with a corresponding reduction in pay and benefits for any reason other than those specified in this Chapter 17 that has been requested by an employee and approved by the City Manager in his or her sole discretion. During any month in which the total hours worked is less than one-half (1/2) of the employee's regular schedule, that month shall not be included toward service credit. A personal leave of absence shall not exceed four (4) months and may be granted only once during each five (5) years of employment with the City. The City Manager retains sole discretion in all matters pertaining to personal leaves of absence. Reinstatement after a personal leave of absence is not guaranteed, and the City retains the right to fill the position with a regular assignment if necessary.

16.11 Bereavement Leave:

In the event of a death in the immediate family of a regular employee, up to three (3) paid working days off may be granted per incident. This limitation is in response to the need to ensure uninterrupted City services. Leave time may, with written authorization from the department head, be extended. For the purpose of this policy, immediate family is defined as the employee's spouse, domestic partner, parents, children, siblings, grandparents, and other dependents living in the home.

16.12 Paid Work-Incurred Injury or Illness Leave:

All City employees are provided Workers' Compensation through the City's self-insured Worker's Compensation Plan. Eligibility for benefits is determined by application of law. The laws provide that all eligible employees shall be entitled to receive temporary disability wage replacement payments in the event of a

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qualified work incurred injury or illness. Payments of benefits under the workers compensation laws will be made by a provider with whom the City has contracted to provide such services. The City will promptly complete and file the appropriate paperwork to initiate payment of benefits in accordance with the law.

16.12.1 Reporting Accidents and Injuries:

An employee who is injured or becomes ill in the course of employment must immediately report the incident to the employee's supervisor. The supervisor is responsible for submitting, within 24 hours of the incident, a statement giving all details of the incident and signed by the employee.

An employee who fails to promptly report a work-incurred injury or illness to the employee's supervisor may be subject to discipline.

16.12.2 Salary Continuation Benefits:

An employee eligible for temporary disability payments under the Workers' Compensation laws will receive salary continuation payments for related lost time at the applicable workers' compensation rate, according to Workers' compensation rules.

16.12.3 Salary Continuation Integration with Accrued General Leave:

Employees receiving approved temporary disability payments under the Workers' Compensation laws may elect to use accrued general leave, management leave, compensatory leave, or any combination of accrued leave in excess of the Workers' Compensation benefit in order to maintain their regular income level. Under such circumstances, employees shall use sufficient leave to allow them to be paid the difference between their full salary and the temporary disability payments received, in order to maintain the regular net pay received in the period before the injury. Accrued leave hours shall be charged to the extent of wages paid by the City.

16.12.4 Salary Continuation and Benefit Discontinuance After On-the-Job Disability:

City employees who are permanently disabled by an on-the-job injury or illness, and no longer covered by Workers' Compensation benefits, may use accrued general leave, management leave, compensatory leave, or any combination of accrued leave to continue wage payment. When all accrued leave has been exhausted, the disabled employee is no longer entitled to wage and benefit continuation as allowed by state and federal laws. The employee may also continue to receive health and welfare

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benefits during the period of paid disability. An employee on unpaid leave who wishes to continue health insurance coverage may do so at his or her expense at the City's group rates, in accordance with COBRA provisions.

16.12.5 Dismissal After On-the-Job Disability:

Unless otherwise prohibited by law, if no vacant or suitable positions are available the disabled employee may be dismissed after the treating physician's finding of "permanent and stationary" disability is issued. In such cases, the City's review and appeal procedures shall apply.

16.12.6 Anniversary Date:

Only a regular employee who is absent from work as the result of a qualified work-incurred injury or illness shall retain the normal performance evaluation date and general leave accrual date. An employee who has not completed the probationary period is ineligible for certification of regular status during a work-incurred injury or illness leave and the date for completion of the probationary period will be extended to reflect the amount of time absent.

16.13 Military Leave:

Military leave not to exceed 17 days annually shall be granted in accordance with federal and state laws. Military leave is granted to regular full-time and regular part-time employees required to report for Reserve or National Guard training duty or for full-time duty in case of war or national emergency. A copy of the military orders requiring leave must be submitted to the employee's supervisor immediately upon receipt by the employee. A probationary employee shall be granted military leave, and the probationary period shall be extended by an amount of time equivalent to the amount of time on military leave.

16.14 Jury Summons and Witness Subpoena Leave:

Regular **full-time and part time** employees who are summoned for jury duty or subpoenaed as a witness at a court trial shall receive compensation at their regular rate of pay only for those hours required to serve which occur during their regularly scheduled work week. Payment is subject to the following conditions:

- All employees are required to provide a copy of the jury or subpoena notice to their immediate supervisor immediately upon receipt;
- Upon return from jury duty all employees are required to submit documentation of attendance as a juror or court witness;

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- Any payments received for serving on the jury, except travel expenses, shall be remitted to the City within five days of receipt by the employee. Fees for jury duty performed during hours other than regularly scheduled working hours may be retained by employees.

Employees will not be compensated as above when subpoenaed to appear in a matter for which they are a party to the proceedings.

Seasonal, temporary and probationary employees are not compensated by the City when absent for jury or witness duty.

A department head may request the City Manager's assistance to relieve an employee from serving as a juror if the employee's absence from City service would pose an undue burden or hardship upon the efficient operation of the City.

16.15 School Visit Leave:

An employee who is a parent, grandparent or duly appointed guardian with custody of a child in a licensed day care facility or in kindergarten through 12th grade may be granted up to 40 hours in a 12-month period (not to exceed 8 hours in one month) to visit the school site, if reasonable prior notice is given to the department head. Written proof of the date and time of the visit signed by an appropriate school official may be required to be provided to the supervisor on return ~~to the job~~. The employee must use accrued general, management, or compensatory leave for this purpose. If accrued leave is exhausted, the employee's supervisor may recommend an alternative work schedule to accommodate the leave.

16.16 Emergency Leave:

Regular employees may use any of the preceding categories of leave without the required length of notice in cases of emergency. Department head approval (retroactive if necessary) is required in all cases.

16.17 Voting Leave:

Any employee, if he or she does not have sufficient time outside of working hours to vote, may request up to two (2) hours of paid leave either at the beginning or end of scheduled working hours to enable him or her to vote.

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16.18 Catastrophic Leave:

Catastrophic Leave allows an employee to donate vacation, compensatory, personal or sick leave to another employee who is experiencing a catastrophic illness/injury, to himself/herself, spouse, domestic partner or dependent family members. The following guidelines will apply:

- a. Catastrophic Leave is a paid leave of absence due to verifiable catastrophic illness or injury to the employee, spouse, domestic partner or dependent family member.
- b. The following conditions must be met to be eligible for Catastrophic Leave:
 - i. There must be a verifiable serious illness or injury to the employee, his/her spouse, domestic partner or dependent family member.
 - ii. The employee must exhaust all useable leave time.
 - iii. The employee must receive the recommendation of his/her department head and the approval of the City Manager.
- c. Catastrophic Leave may be granted to an employee by the City Manager for a maximum of 120 hours, with the option of a 120-hour extension where justified by the City Manager.
- d. The decision of the City Manager shall be final.
- e. Catastrophic Leave shall not be used in conjunction with any long or short-term disability insurance, or retirement benefits.
- f. While an employee is on Catastrophic Leave using donated hours, the employee shall not accrue any vacation or sick leave.
- g. Employees may donate to a specific employee accrued and unused vacation, personal, sick, or compensatory leave. Leave must be donated in increments of whole hours with an ~~eight hour~~10 hour~~eight hour~~ minimum. Donors and hours shall be maintained as confidential payroll information.
- g.h. ~~The calculation typically involves converting the donated hours to a dollar value based on the donor's hourly rate and then converting that dollar value into hours based on the recipients hourly rate.~~
- h.i. An employee may donate any amount of sick leave on the condition that the employee maintains 160 hours of sick leave after the donation.
- i.j. An employee may donate any amount of vacation or personal leave on the condition that the employee maintains 40 hours of vacation and personal leave after the donation.
- j.k. Employees may donate all of their accrued compensatory time
- k.l. The City shall continue to pay the cost of all medical insurance for an employee on Catastrophic Leave.

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l.m. The donations will be converted to sick leave hours on an hour-by-hour basis and posted to the recipients sick leave balance. All unused donated hours remaining in the recipient's sick leave balance when he/she returns to work will be retained by that employee for future use.

m.n. The ~~Accounting Department Payroll Dept/Accounting~~ will administer the program, accounting for the donation and disbursement of catastrophic leave donations.

17. HEALTH AND WELFARE BENEFITS

17.1 Introduction:

The information contained in this section is intended to provide an overview of the City's group health and welfare insurance benefits. To the extent that this information is inconsistent with the provider contract on file with the City, the provider contract is the controlling document.

17.2 Health and Welfare Benefits Overview:

The City provides group health and welfare insurance benefits to eligible employees. The City shall maintain records of the terms and conditions of health and welfare benefit contracts, benefit levels, and administration procedures. Terms, conditions, benefit levels and administration requirements may change.

17.3 Eligible Employees:

All regular and probationary full-time and regular part-time employees are eligible for the health and welfare benefits described in this section. Temporary and seasonal employees are not eligible for health and welfare benefits but are covered by the City's workers' compensation insurance and other benefits mandated by federal and state law.

17.4 Benefits for Eligible Employees:

Regular and probationary full-time employees are eligible for group Health and Welfare insurance benefits. Employees may choose between ~~the plans offered by the City, two plans for their benefits, plan A and plan D~~. Effective with paychecks dated July of 2017, the City will pay a portion of the insurance premium and the employee must pay the remaining balance. Irrespective of the plan chosen, the City will pay 89% of the ~~Cost of Tier 1 (individual +1 or Tier 2 (1+1)~~ and 79%

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of the ~~Cost of Tier 3~~(family). The City may change the plans and/or benefits at its discretion.

An Opt-out of insurance is available upon proof of other qualifying health insurance. The employee can receive \$400.00 per month upon providing proof of other insurance. This payment is taxable income to the employee.

~~Regular and probationary~~ Part time employees are eligible for City provided group Health and Welfare Insurance Benefits if the employee makes direct advance payment of 100% of the premiums to the City.

Open enrollment each year runs from May 1st through May 31st. Employees may make changes to the plans can be made during that time.

In addition, an employee may make changes to their coverage as a result of qualifying life events including but not limited to the following:

- Marriage or Domestic Partnership
- Divorce, Legal Separation, or Dissolution of Domestic Partnership
- Birth, Adoption, or Placement for Adoption/Foster Care
- Death of a Covered Dependent
- Aging out of Parental Plan
- Loss or Change in Other Coverage

Employees experiencing a qualifying life event must notify the City Manager or Department Head and provide supporting documentation within 30 days of the event. The City follows all applicable federal and state laws concerning qualifying life events.

17.4.1 Industrial Employers and Distributors Association (IEDA):

~~The City will pay on behalf of the employee Regular and probationary full time full time employees who are eligible for, and have elected to participate in, City paid group Health and Welfare benefits will share equally in~~ costs associated with the City's membership in IEDA. (As amended, Resolution No. 1999, December 16, 2008)

17.5 Commencement of Benefits:

The benefits described in this section shall begin on the date of hire for all eligible employees. The policy(s) of an insurance provider may override this directive.

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17.6 Life Insurance:

The City shall provide term life insurance coverage in the amount of \$10,000 (\$1,000 if age 70 or above) established by the terms of the insurance contract.

17.7 C.O.B.R.A.:

The Consolidated Omnibus Budget Reconciliation Act of 1985 requires the City to offer employees and their families an opportunity for a temporary extension of health coverage upon separation of employment. The specific provisions and restrictions of the Act are available from the City.

18. RETIREMENT BENEFITS

18.1 Introduction:

18.1 Regular Employees:

Regular ~~full-time~~ employees shall participate in the defined benefit pension plans provided under the City's contract with the Public Employee's Retirement System (PERS). Employees are required to pay the employee's contribution amounts as determined by the employee's hire date and particular PERS plan applicable to the employee. The City reserves the right to review the retirement benefits and to alter or amend its participation in any contribution to a selected retirement program or system. Employees under specific written employment agreements may be exempted from participation.

18.2 Part-Time, Temporary, and Seasonal Employees:

~~Part-time, temporary, and seasonal~~ employees who work less than one thousand (1000) hours each fiscal year and who have never been enrolled in PERS are not covered by the City's retirement plan.

18.3 Medicare Benefits:

The City participates in the federal Medicare system, in accordance with the law, on behalf of all employees.

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19. TRAINING AND DEVELOPMENT

19.1 Training Program:

Training and other professional development opportunities relating to the improvement of the delivery of City services will be provided to the regular employees depending on available budgeted funds, employee performance, and department staffing needs, as determined in the discretion of the department head and the City Manager. Such training programs may include lecture courses, demonstrations, assignment of reading matter or other methods as may be deemed appropriate for the purpose of improving the on-the-job effectiveness, skills and knowledge of City employees.

The City Manager or Department Head may require an employee to attend specific and/or mandated training as appropriate.

19.2 Attending Conferences, Seminars and Workshops:

Department Head approval is required prior to registering for any training program, outside conference, seminar, or workshop for which City funds are required or which will occur during regular working hours, or both.

19.3 Expense Reimbursement:

In order to receive reimbursement for eligible personal expenses after attendance at a training program, the employee shall complete a reimbursement form, available from the City. The form will identify expenses eligible, receipts necessary, and methods of reimbursement calculation.

19.4 Compensable Time:

Non-exempt regular employees ~~in the Confidential and General employment groups~~ shall be paid for any overtime hours incurred as a result of attending a City-requested one-day meeting. Overtime will not be paid for any non-business portion of a seminar or workshop.

An employee who voluntarily chooses to attend a seminar or conference on regularly scheduled hours or day(s) off shall not be paid overtime for attendance.

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19.5 Professional Associations, ~~and~~ Technical Groups, ~~and~~ Continuing Education Units (CEUs):

The City Manager may approve payment for membership in craft, trade or other professional organizations for a regular employee. The employee shall provide evidence of active participation to justify continued membership payment. The City may reimburse the costs of attendance at professional association meetings and workshops. With prior approval, the City may allow the employee to attend the meeting or workshop on ~~regularly scheduled hours~~ ~~City time~~.

19.5.1 Continuing Education Units

19.5.1.1 Eligibility

To be eligible for CEU reimbursement, employees must:

- Be a regular full or regular part time employee in good standing
- Be required to obtain CEUs to maintain a professional license, certification, or credential directly related to their job duties

19.5.1.2 Reimbursement

Prior to engaging in CEUs, the employee must obtain approval from the City Manager or Department Head. Upon successful completion of the course with a passing grade and submission of proof of completion, the City Manager will approve reimbursement for continuing education units if all reimbursement documentation is provided. Reimbursable costs may include admission, travel and related expenses, and required materials.

Participation in CEUs may be performed during regular hours with the approval of the City Manager.

19.6 Expenses Related to Course of Instruction or Certification:

~~If a regular employee has received approval to complete a formal course of instruction or certification related to his/her position, the employee shall be eligible for educational expense reimbursement of fifty percent (50%) of the cost of tuition and books or certification, up to a maximum of \$500.00 annually. To be eligible for educational expense reimbursement, an employee must have completed one (1) year of service prior to entering the study program. Only courses and certification which are directly related to the employee's current position or career progression will be considered for educational expense~~

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~~reimbursement. All educational expense reimbursement is subject to the prior approval of the City Manager. Class and study time must be outside of the employee's regular working hours. Travel and related expenses shall not be compensated by the City. To receive tuition and book reimbursement, the employee shall submit receipt(s) and proof of a passing grade for all approved courses within sixty (60) days of completion of the course. To receive certification expenses reimbursement, the employee shall submit receipt(s) and proof of certification within sixty (60) days of certification.~~

19.7 Repayment to City:

~~If tuition and book reimbursement is granted under section 20.6, the employee shall execute an Educational Expense Reimbursement Contract and agree to repay tuition and book expenses to the City under stipulated circumstances. If the employee resigns or retires within one (1) year of receiving tuition reimbursement from the City, the employee shall be responsible for paying the City back on a pro-rata basis. For example, for each month short of one (1) year after the tuition reimbursement date, the employee shall repay the City 1/12 of the reimbursed amount.~~

19.8 19.6 Recognition for Training and Professional Development:

Records of participation in and successful completion of training and educational programs shall be maintained in the employee's personnel file and may be considered when employee performance evaluations are conducted. Such information may also play a role in promotion decisions.

20. SAFETY AT WORK

20.1 Policy:

The City is committed to the goal of providing a safe workplace, in accordance with state and federal law.

20.2 Management Responsibility:

The City Manager or an employee delegated by the City Manager will oversee and maintain records of the City's system for communicating with employees on health and safety matters. Department Heads may establish and enforce safety rules and training and employee recognition programs to help ensure that employees comply with safe and healthy work practices. The City Manager's

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designee may also conduct periodic inspections to identify and evaluate unsafe or hazardous conditions and work practices.

20.3 Employee Responsibility:

Each employee of the City is responsible for identifying workplace hazards and unsafe conditions. The employee shall immediately report any such hazards or unsafe conditions to the ir supervisor, Department Head, ~~supervisor~~, or City Manager. Retaliation against an employee for reporting a workplace hazard is prohibited. The matter may also be reported to a Collective Risk Management Team Member, or to the 24-hour hot-line number: (800)576-5262. The City's ID is: 10111.

20.4 Adherence to City Rules:

Employees are required to observe all City rules and instructions, both verbal and written, relating to the safe performance of their work. Failure to comply with any safety rule or instruction may be grounds for disciplinary action, up to and including termination.

20.5 Personal Protective Gear:

~~Regular full time public works employees are entitled to receive an amount not to exceed \$300.00 per fiscal year as reimbursement for the purchase of personal protective gear as approved by their immediate supervisor.~~

21. SECURITY AND PRIVACY

21.1 Personnel Files:

The City maintains one official personnel file for each employee, which is the sole property of the City of Portola. A separate confidential medical file may also be maintained when individual employee circumstances arise which involve the receipt, by the City, of medical records. All files and records related to employment with the City shall be confidentially maintained by the City Manager or designee in accordance with state and federal guidelines.

21.1.1 Access to Personnel Files:

An employee shall have the right to view the employee's personnel files in the presence of the Supervisory personnel. An employee may, with

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advance notice of at least one week, have copies of items in the file that have been signed by the employee. The City shall keep a record of the dates and employees who access their personnel files and of the copies of records provided to employees.

21.1.2 Updating Personnel Files:

The employee shall notify the City of changes in name, address, telephone number, driver's license, number of dependents, marital status, beneficiary designation, education certificates, or any other pertinent information within 10 business days of the event causing the change.

21.2 Inspection of City Property:

The City reserves the right, at all times, and with or without prior notice, to inspect and search any and all City property, including but not limited to desks, storage areas, work areas, lockers, file cabinets, credenzas, computer hardware and software systems including Internet, E-mail communications, office telephones, modems, facsimile machines, duplicating machines, cameras and City vehicles, if there is reasonable cause, to determine if misuse of City property has occurred and to promote safety in the workplace in compliance with state and federal laws. Such inspections may be conducted during or after business hours. Whenever possible, an inspection shall be conducted in the presence of the employee, with due regard for the employee's privacy rights.

21.2.1 City Property:

Desks, storage areas, work areas, lockers, file cabinets, credenzas, computer hardware and software systems including Internet, E-mail communications, office telephones, modems, facsimile machines, duplicating machines, cameras and City vehicles are City property. All such areas and items shall be kept clean and shall only be used for work purposes, except as provided in sections 22.3.2 and 22.3.3.

21.2.2 City Vehicles:

An employee whose assigned duties are subject to night and weekend emergencies may use a City vehicle, with prior approval of the City Manager. The employee shall insure that the City vehicle is locked and secure while in the employee's possession and that the employee has a current, valid license to operate subject vehicle. An employee who uses City vehicles ~~or property~~ for private purposes ~~without prior authorization from the City Manager~~ shall be subject to disciplinary action, up to and including termination.

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21.2.3 Use of Telephones:

~~The City recognizes that employees may occasionally find it necessary to use City telephones for personal use. Such calls should be kept to a minimum and should be made only during break or lunch periods, if possible. All personal long distance calls should be made using a personal billing card or be reimbursed to the City in a timely manner. Abuse of telephone privileges may result in disciplinary action up to and including termination.~~

22. GRIEVANCE RESOLUTION PROCEDURES

22.1 Matters Subject to Grievance Procedure:

A grievance is a claim that the City has violated or misapplied provisions of these Personnel Rules and Regulations. The grievance resolution procedures do not apply to performance evaluations or performance-based salary determinations.

22.2 Informal Resolution Procedure:

Efforts to informally resolve a grievance shall be required prior to requesting formal resolution. To initiate informal discussion of a grievance, the employee shall provide the supervisor with a written description of the circumstances causing the grievance. Within 5 working days after receipt of the grievance, the supervisor and the employee shall discuss the grievance collaboratively and mutually identify a resolution of the perceived problem. Within 5 working days after the meeting, the supervisor shall provide the grievant with a written memorandum of the meeting, stating the resolution identified, if any. An employee who fails or refuses to participate in efforts to informally resolve a grievance has no right to pursue the grievance through any further steps, procedure, or appeal process.

22.3 Reporting Time Limitation:

An employee who wishes to bring a grievance to the attention of the supervisor must do so within five (5) working days after the occurrence of the grievance-causing events, or within five (5) working days after the employee could reasonably be expected to have knowledge of the events.

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22.4 Formal Grievance Procedure:

If the employee does not feel that the grievance has been satisfactorily resolved by informal discussion, the employee may request formal resolution of the grievance.

22.4.1 Written Complaint:

A written grievance shall be submitted to the City Manager with a copy to the employee's immediate supervisor. The grievance shall contain the following information: name of grievant; date the grievance was initiated; statement of any previous action upon the grievance; a clear statement of the nature of the grievance; a proposed solution to the grievance; and the signature of the grievant. The grievance must be submitted within ten (10) working days from the date the informal grievance decision was received. An employee who reports directly to the City Manager may file an appeal with the City Council. Within fifteen (15) working days, the City Council shall respond to the employee in writing. The City Council response shall be considered as final.

22.4.2 City Manager Decision:

Upon receipt of an appeal of a formal grievance, the City Manager shall discuss the grievance with the employee, the supervisor or Department Head, any other involved parties, and the employee's representative, if any. Within fifteen (15) working days, the City Manager shall render a formal decision in writing to the employee. Such a decision shall be considered as final unless appealed in accord with Section 22.5.

22.5 Appeal Process:

The employee may submit a written appeal to the City Council if the City Manager's decision does not resolve the grievance to the employee's satisfaction. The employee appeal must be presented within ten (10) working days after receipt of the formal grievance decision. The decision of the City Council is final. If no appeal has been submitted within ten (10) working days from the date of receiving the formal decision, the City Manager's formal decision shall be considered as final.

22.6 Representation:

The employee shall have the right to one representative or other professional representation, at formal and informal grievances.

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23. CONFLICT OF INTEREST

23.1 Definition:

The term “conflict of interest” describes any circumstance that could cast doubt on an employee’s ability to act with total objectivity, fairness and impartiality with regard to the interests of the City of Portola. The City has developed the following policies in an effort to limit the possibility of such conflicts arising.

23.2 Acceptance of Gratuities:

With the exception of de minimus cost edible gifts that can be consumed on the premises by employees, an employee may not solicit or directly or indirectly accept any gift, gratuity, cash or check from any person or organization, for either the performance or non-performance of assigned duties.

23.3 Outside Employment:

No employee shall engage in employment or outside business activity that may constitute a conflict of interest for the employee or the City. Employees shall advise the City Manager in writing before engaging in any employment or business activity other than employment with the City.

An employee who has non-City employment is expressly prohibited from wearing any City uniform, emblem, badge or other employee identification when engaged in non-City employment.

No employee shall engage in non-City employment during the employee’s working hours for the City.

23.4 Family Members:

Written approval from the City Manager is required before an employee may conduct business on behalf of the City with a member of the employee’s family or a business or organization in which the employee or a family member has a significant association or interest.

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23.5 Employee Questions:

Employees who have questions about whether an activity may constitute a conflict of interest should discuss the matter with the supervisor, department head or the City Manager before becoming involved.

24. MISCELLANEOUS

24.1 Reimbursement Policy:

In accordance with the Reimbursement Policy, employees shall be reimbursed for expenses incurred as a direct result of employment, subject to budgetary appropriation and the approval of the City Manager. Appropriate documentation and timely submittal of requests for reimbursement shall be required of all employees.

24.2 Personal Auto Use:

Employees shall receive auto mileage reimbursement at Federal per diem only for approved City business. Employees may be required to provide proof of insurance coverage prior to receipt of reimbursement.