

CITY OF REEDLEY



Personnel Policies and Procedures

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Personnel Policies and Procedures

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INTRODUCTION

Each employee of the City of Reedley is important and plays an essential role in our effort to provide the community with a high level of service. This Personnel Policies and Procedures manual is provided as a guide to each employee regarding important City personnel policies and procedures.

The initial manual will be provided at the time of hire. New laws may require change in a policy or procedure. When the need arises, the City will meet to discuss appropriate changes in this manual. When changes are made, they will be given to each employee.

These policies and procedures supersede and replace all previous personnel policies, procedures, practices and guidelines and shall control all personnel practices of the City except where a Memorandum of Understanding with an employee bargaining group expressly creates a particular and specific written exception or alternative.

These policies and procedures shall cover all employees in the classified and unclassified service, as defined, and shall be implemented and administered by the City Manager, subject to ordinances and/or resolutions which are in effect. These may be modified, supplemented, interpreted, or clarified by the City Manager in writing, may take the form of an administrative policy separate from these Policies and Procedures, may be reviewed by the City Attorney, and/or adopted by the City Council. Any such changes, where appropriate, may be subject to meet and confer. However, these policies and procedures do not create any contract of employment, expressed or implied, or any rights in the nature of a contract.

DEFINITIONS

Administrative Leave	The temporary assignment of an employee to a status of leave with or without pay.
Allocation	The assignment of a position to its appropriate class in relation to work performed, and the authority and responsibilities exercised.
Anniversary Date	The date on which an individual is placed on the City payroll as a full-time employee. The anniversary date shall not change unless an employee is removed from the City's payroll.
Appeal	An application for review of an alleged grievance and/or disciplinary procedure submitted or instituted by an employee to a higher authority.
Applicant	An individual who has completed and submitted an application for employment with the City.
Appointing Authority	The City Manager (or designee) shall be the appointing authority for all officers and employees of the City except elective officers, the City Attorney, and persons appointed by the Mayor or City Council to the commissions, committees, or other boards.
Appointment	The offer and acceptance of a position authorized by the appointing authority.
Assignment	The allocation of a single position to its proper class in accordance with the duties performed and the authority and responsibility exercised.
Benefit Date	The date which determines eligibility for salary or benefit increases. Such increases in salary or benefits shall be effective on the benefit date.
Business Relationship	Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture, or other transaction where the City employee's annual interest, compensation, investment, or obligation is greater than \$250.
Catastrophic Illness or Injury	A medically-certified illness, injury, impairment, physical or mental condition that prevents an eligible employee from returning to work for a period of thirty (30) calendar days or more.
Certification	Endorsement as meeting required minimum standards for a vacant position.

City Manager	The executive administrative management position for the City.
Class	A group of positions which are sufficiently alike in general duties and responsibilities to warrant the use of the same title, class specification, and pay range.
Class Series	A number of classes of positions which are substantially similar as to the types of work involved and differ only in rank as determined by the importance of the duties and degree of responsibility involved and the amount of training and experience required. Such classes constitute a series.
Classification	The act of grouping positions in classes with regard to: <ul style="list-style-type: none"> • duties and responsibilities; • requirements as to education, knowledge, experience, and ability; • tests of fitness; and • ranges of pay.
Class Specification	A written description of a class consisting of a class title, a general statement of the level of work and of the distinguishing features of work, examples of duties, and the desirable qualifications for the class.
Classification Plan	The official or approved system of grouping positions into appropriate classes consisting of: <ul style="list-style-type: none"> • an index to the class specifications; • the class specifications; and • rules for administering the classification plan.
Classified Service	All positions in all departments of the City as set forth in the salary schedule and position allocation list, except those positions designated as being in the unclassified service.
Compensation Plan	The official schedule of compensation approved by the City Council assigning one or more rates of pay to each class title.
Compensation	The standard rates of pay which have been established for the respective classes of work, as set forth in the compensation plan.
Compensatory Leave	Time off from work in lieu of monetary payment for overtime worked.
Computer System	All computers (on-site and portable), hardware, software, and resources owned, leased, rented, or licensed by City of Reedley and its department which are provided for official use by City employees.
Conflict of Interest	Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction, or

decisions are or may be influenced by the employee's personal or business relationship.

Day	"Day" is any calendar day unless otherwise specified.
Demotion/Downgrade	Assignment of any employee from one class to another which has a lower maximum rate of pay.
Department	The primary organizational unit which is under the immediate charge of a Department Head who reports directly to the City Manager.
Department Head	An employee having authority in the interest of the City to transfer, suspend, recall, assign, promote, reward, or discipline other employees, or direct them, or to adjust their grievances, or effectively to recommend such action if in connection with the foregoing, the exercise of such authority is not of merely a routine nature or clerical nature but requires the use of independent judgment.
Designees	Use of the term "City Manager" includes his/her "designees" who shall have the same authority as the City Manager for the specific matter as delegated.
Disciplinary Action	Includes any action whereby an employee is deprived of any class in which he/she has permanence, including dismissal, suspension, demotion or any reassignment without his/her consent.
Dismissal	Separation from City employment.
Doctor	A person, other than a close relative, licensed to practice medicine in the state in which treatment is received. The term "doctor" also includes osteopaths, chiropractors, psychiatrists and chiropodists performing eligible services within the scope and limitations of their license.
Eligible	A person who has successfully met required qualifications for a particular class.
Employee	An individual who is employed by the City and is compensated through the City payroll for his/her services. Individuals or groups compensated on a fee basis or who are not in an assigned pay range, part-time and temporary employees are not included.
Encryption	The translation of data into a secret code which is the most effective way to achieve data security. To read an encrypted file, access to a secret key or password that enables decryption is required. Unencrypted data is called plain text.

Examination	The process of testing, evaluating, or investigating the fitness and qualifications of applicants and employees.
Full-Time Employee	An employee working 2,080 hours per year and receiving benefits.
Grievance	Any claimed violation, misinterpretation or an inequitable application of an existing memorandum of understanding or of the written rules, policies, procedures and/or regulations of the City which adversely affects an individual grievant or a specified group of grievants; provided, however, that such terms shall not include an action regarding disciplinary proceedings, or any other matters which are otherwise reviewable pursuant to law or pursuant to any rule or regulation having the force and effect of law.
Hard Copy	A physical printout of data stored in a computer; whereas a soft copy exists only electronically.
Hardship Case	When a City employee is off work due to a Family and Medical Leave Act (FMLA) and/or California Family Rights Act (CFRA) qualified leave and the employee has exhausted all of his/her own leave accrual balances. Hardship cases are subject to approval by the Personnel Officer who will consider each case individually.
Hardware	This shall include, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.
Immediate Family	A member of the employee's immediate family is defined as a spouse, son, daughter, brother, sister, father, mother, mother-in-law, father-in-law, or grandparent. At the sole discretion of the City Manager, this definition may be extended on an individual basis to include any other relative living in the employee's home.
Immediate Supervisor	"Immediate Supervisor" is the first level administrator having immediate jurisdiction over the grievant and who has been designated to administer grievances.
Leave	An approved type of absence from work as provided for by these personnel policies and procedures.
Leave Balance	Sick, Vacation, Compensatory time, or Administrative Leave, as accrued and available for employee use.
Merit Pay Increases	An increase in compensation established in the compensation plan which may be granted to an employee for meritorious service and completion of a minimum prescribed period of employment in the class.

Outside Employment	Any employee of the City who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with the City for services, product(s) or benefits rendered.
Outside Overtime	Any employee of the City who performs duties or services on behalf of an outside organization, company or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this Department so that the agency may be reimbursed for the cost of wages and benefits.
Overtime	Authorized time worked by an employee in excess of 40 hours per week per the provisions of the Fair Labor Standards Act.
Overtime Pay	Compensation paid to an employee for overtime work performed in accordance with these personnel policies and procedures.
Part Time Employee	An employee who works less than 40 scheduled hours per week. Part Time employees may be assigned a work schedule in advance or may work on an as-needed basis.
Pay Range	One or more, but more commonly five (5) specific pay rates, assigned to a class of positions as the compensation for that class which may be paid to employee based upon merit.
Pay Rate	A specific dollar amount, expressed as either an annual rate, a monthly rate, a biweekly rate, or an hourly rate, as shown in the pay plan of the City.
Personal Relationship	Includes marriage, cohabitation, dating, or any other intimate relationship beyond mere friendship.
Human Resources Manager	The Human Resources Manager appointed by the City Manager.
Position	Any office or employment, whether occupied or vacant, full-time or part-time, consisting of duties and responsibilities assigned to one individual.
Probationary Period	The test or trial period of employment beginning with the date of an employee's first day of work during which the employee may be separated or demoted from employment without cause or reinstated back to their previous position, if available and acceptable to that department head.
Promotion	Assignment of an employee from one class to another which has a higher

maximum rate of pay and for which a further probationary period will be served.

Regular Appointment	An appointment without time limitation, or special restrictions as to continued employment, other than completion of the probationary period to a position authorized to be filled and made as a result of a certification as prescribed by these rules.
Regular Employee	A full-time employee in the classified service who has successfully completed the probationary period and has been retained as provided for in these personnel policies and procedures.
Relative	An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling, or grandparent.
Separation	Separation of an employee from employment with the City for failure to complete probation or for failure to meet requirements of City employment as provided in these Personnel Policies and Procedures.
Service Provider	Any person or entity that maintains, processes, or otherwise is permitted access to customer information or consumer information through the provision of services directly to the City.
Software	This shall include but is not limited to, all computer programs and publications including "shareware." This does not include files created by the individual user.
Subordinate	An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.
Supervisor	An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluations, and/or performance of a subordinate employee.
Suspension	An enforced leave of absence with or without pay for disciplinary purposes.
Temporary File or Permanent File	Any electronic document, information or data residing or located, in whole or in part, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.
Transfer	Assignment of an employee from one position to another position. Transfers can take place within a department, between departments, between positions of the same pay range, between positions of the same class or between positions of different classes.

Unclassified Service

Positions excepted from the classified service, unless otherwise provided, including all elected officials, department heads; appointment to non full-time employment, or other limited-term positions and contract positions compensated on an hourly flat-rate or fee-for-service basis unless designated classified by the City Council. Unless otherwise provided, the unclassified service shall generally include positions responsible for the formulation or effective recommendation of policy, positions in a direct reporting relationship to elected officials and non-regular employees and shall serve at the will of, and be subject to separation from employment without cause by, their appointing authority; provided, however, that department heads without contracts shall retain such rights as may be conferred upon them by law.

Work Day

Scheduled number of hours an employee is required to work per day.

Y-Rating

The process whereby an employee does not receive less pay when promoted, downgraded, or demoted, notwithstanding the pay rate assigned to others in the classification.

Section 1.00

CLASSIFICATION

SECTION 1.00 –CLASSIFICATION

- 1.10 Purpose.** The classification plan provides a complete inventory of all positions in the City service and an accurate description and specifications for each class of employment. The plan standardizes titles, each of which is indicative of a definite range of duties and responsibilities and has the same meaning throughout the classified service. The classification plan may contain classes to which there are no current allocation of positions in order to provide for future organizational growth or changes in organizational structure.
- 1.20 Composition of the Classification Plan.** The classification plan shall consist of:
- A. a grouping in classes of positions which are approximately equal in difficulty and responsibility, which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions;
 - B. class titles, descriptive of the work of the class, which identify the class; and
 - C. written specifications for each class of positions.
- 1.30 Administration of the Classification Plan.** The Human Resources Manager is charged with maintenance of the classification plan so that it will reflect the duties performed by each employee in the classified service and the class to which each position is allocated. It is his/her duty to examine the nature of the positions as they are created and to allocate them to the existing class or to create new classes, if there are no appropriate existing classes. The City Manager is also responsible for periodically reviewing the entire classification plan and initiating appropriate changes in allocations of the plan.
- 1.40 Classification Changes.** Whenever a new position is established, or duties of an old position changed, department heads shall submit in writing a comprehensive job description describing in detail the duties of such a position. The City Manager shall thereupon investigate the actual or suggested duties and approve or change such recommendations.
- 1.50 Reclassification.** Reclassification requests shall be submitted by the Department Head to the City Manager during the designated window period, March 1 through April 30. Whenever a material change in duties or responsibilities of any existing position in the City classified service occurs, the City Manager, on his/her initiative or upon a request of the Department Head, may investigate the duties of the affected positions. The reclassification of a position that entails substantive changes in conditions and/or terms of employment as defined by Government Code Section 3500 -3510 shall be subject to meet and confer.

Section 2.00

EMPLOYEE SELECTION

SECTION 2.00 -EMPLOYEE SELECTION

2.10 Recruitment. A department may limit a recruitment or promotional opportunity to current City employees. Generally, recruitments for promotional opportunities involving positions shall be posted for a period of seven (7) calendar days prior to initiating an open (outside) recruitment to encourage current employees to apply for positions. The decision to recruit on a promotional or open basis will depend upon the availability of in-house applicants as determined by the City Manager. Individuals shall be recruited from a geographic area as wide as necessary to assure obtaining well qualified candidates for the various types of positions. Employment, therefore, shall not be limited to residents of Reedley. The City Manager will determine the most appropriate method for recruitment.

2.20 Notification. The Human Resources Manager in collaboration with the Department Head shall prepare recruiting notices to publicize vacancies and to provide candidates for vacant positions when appropriate. Such various media of publicity shall be used as might be expected to bring notice of vacancies to qualified persons.

When position vacancies occur, the requirements for the position must be established prior to the beginning of the recruitment process. Applicants must be clearly informed of both the required and the "desirable" employment qualifications.

Vacancies should be published in a position vacancy announcement, which may include, but not be limited to, the following information:

- A. Class Title
- B. Salary Range
- C. Description of Duties
- D. Qualification Standards (with "required" and "desirable" qualifications specified in each job description)
- E. Office to be contacted regarding the position
- F. The City of Reedley is an Equal Opportunity Employer
- G. Probable closing date for screening application
- H. Examination plan

2.30 Acceptance of Applicants. Each candidate for City employment may make application in the manner prescribed by the City Manager. Such information may be required as is deemed necessary in order to judge the applicant's qualifications.

2.40 References. As part of the pre-employment procedure, former supervisors, employers, and references provided by the candidates shall be checked. Reference checks made by personal or telephone contact shall be completed prior to an offer of employment, and the information shall be made part of the application file. All such information is to be handled as privileged information and coordinated with the Department Head.

2.50 Disqualification. Any applicant may be removed from further consideration at any time the application or an applicant:

- A. does not possess the minimum qualifications;
- B. has established an unsatisfactory employment or personnel record as evidenced by reference check of such a nature as to demonstrate unsuitability for employment;
- C. has made false statement of any material fact or practiced deception in his/her application;
- D. does not meet the physical requirements and/or does not submit or pass the mandatory physical examination and/or psychological examination.
- E. does not reply to a mail inquiry within ten calendar days or does not return a telephone inquiry within two days, unless due to extraordinary circumstances;
- F. fails to accept appointment within five working days or to report for duty within the time prescribed in the offer unless due to extraordinary circumstances;
- G. fails to pass drug/alcohol screen, if applicable; and/or
- H. fails to pass other department specific requirements for the position.

All applicants disqualified shall be notified in a timely manner.

2.60 Equal Opportunity Policy Statement. The City of Reedley is committed to the policy of equal employment opportunity. In its commitment to this policy the City seeks to establish and maintain an employment environment and system free from discrimination. All employment decisions and actions are to be free from discrimination, except where such factors are determined to be bona fide occupation qualification, per the City's Anti-Harassment Policy contained in Section 5.80, Policies Affecting the Workplace, subsection D, of these Personnel Policies and Procedures.

2.70 Fair Employment Practices. Any technique or procedure used in recruitment and selection of employees shall be designed to measure only the job related qualifications of applicants. No recruitment or selection technique shall be used which, in the opinion of the Human Resources Manager, is not reasonably related to job requirements.

2.80 Competitive Examinations. All applicants for the positions in the classified service may be subject to competitive examinations.

A. **Types of Examinations.** The test held to establish a list of eligible candidates for any class shall consist of one or more of the following parts as determined by the Human Resources Manager in consultation with the Department Head.

1. *Written Test.* This part, when required, shall include a written demonstration designed to show the familiarity of candidates with the knowledge involved in the class of positions to which they seek appointment, their ability to follow written and oral

instructions, the range of their general information, or other general education attainments.

2. *Oral Test.* This part, when required, shall include an oral test consisting of an interview, oral examination, and evaluation, which may be used solely when a written test is unnecessary or impractical, or in conjunction with other tests.
 3. *Performance Tests.* This part, when required, shall include such tests of performance or trade as would determine the ability and manual skills of candidates to perform the work involved.
 4. *Physical and/or Psychological Test.* This part, when required shall consist of tests of bodily condition, muscular strength, agility, physical fitness and mental fitness of candidates, when necessary for actual job performance. This may be given a weight in the examination or may be used in excluding from further examination applicants who cannot meet the minimum required standards.
 5. *Training and Experience.* This part, when required, shall be in view of education, experience and special requirements contained in the public notice of the examination or supplementary data as may be designated. Results of the reference checks, as provided for in Section 2.40, shall be a part of the evaluation of training and experience.
- B. **Rating Examinations.** The Human Resources Manager in collaboration with the Department Head shall determine rating criteria for applicable testing elements. Candidates may be required to obtain at least a minimum qualifying rating on each test.
- C. **Notification of Examination Results.** Each person who takes an examination component shall be notified of the results and as to whether or not the person will be considered further. Those who progress to the eligibility list will also be advised accordingly, including the anticipated active life of such list. Each person who participates in the process shall be entitled to inspect his/her examination papers within ten days of notification of the results, but examination papers shall not be opened to the general public. Such inspection shall be permitted, by appointment with the applicable department, during regular business hours.
- D. **Eligibility List.** The eligibility list shall contain the names of candidates who successfully complete the designated entrance examinations, as provided for in Section 2.80 (1-5) above. Names shall be listed according to rank. The list shall normally be active for a one year period. However, considering the quantity and quality of the remaining candidates, the Human Resources Manager may extend or deactivate it based upon the recommendation of the affected department head(s). A candidate may waive acceptance of a job offer and still remain on the list during its designated life, if the City Manager determines that extenuating circumstances justify such action.
- E. **Department Certification.** The Human Resources Manager shall certify candidates,

along with appropriate records, for further consideration, evaluation and possible selection. All candidates on an eligibility list need not be certified. Rather, the number of certified candidates will be based upon the number of qualified candidates and the number of vacancies in the affected department. The Human Resources Manager will certify a group of qualified candidates which, in his/her judgment, is appropriate for the particular position to be filled and, assuming sufficient qualified candidates, will attempt to include an average of three qualified ranks for each vacancy.

2.90 Employee Appointments. The following types of appointments may be made to City employment in conformity with the rules established: regular, probationary, non full-time, and conditional.

- A. *Regular Employees.* A regular employee works full-time and on a continuing basis.
- B. *Probationary Employees.* Those employees who have not completed their established probationary period.
- C. *Non Full-Time Employees.* Non full-time employees are individuals who work on an at-will basis. Such employees are distinguished from regular employees who work full-time and who receive benefits. Compensation for non full-time employees is based on either the hourly rate for the classification of work performed or on an hourly rate set by compensation schedules established by the City Manager. The policies governing non full-time employment are:
 - 1. any non full-time appointment may be made from an eligibility list. Any person on an eligibility list who accepts employment in a non full-time capacity shall retain his/her place on such list;
 - 2. a non full-time employee shall generally, receive no credit for any purpose for time employed in a non full-time capacity, unless his/her status changes to full time and he/she becomes eligible to claim a "part-time credit;" and
 - 3. any non full-time employee serves at-will and may be removed by the Department Head at any time, with or without cause, and without the right of appeal or hearing.
- D. *Conditional Employee Appointments.* Those persons to whom an offer of employment has been made conditional on the person successfully completing; or passing a test, criteria or investigation. Such conditional employee appointments may include requirements to pass a physical or psychological examination, pass a drug and/or alcohol test, secure and produce proper certification or credentials, or have a satisfactory background or reference check completed. Such employees may have a job offer withdrawn any time prior to appointment as a probationary or non full-time employee.

2.100 Lateral Entry Program.

- A. *Policy.* It is the policy of the City of Reedley to accept qualified personnel for

employment through lateral entry.

- B. *Definition.* For purposes of this policy, “lateral entry” is defined as the employment of personnel at a level of pay and benefits commensurate with the experience gained in an organization other than the City of Reedley.
- C. *Probation Period.* All accepted candidates shall serve a twelve (12) month probationary period and must satisfy such probationary requirements as normally required.
- D. *Compensation.* Authorization to commence employment above the first salary step may be made by the City Manager if, after proper documentation by the appointing authority, it is determined that such action is in the best interests of the City. Due consideration will be given to compensation received by incumbents.
- E. *Benefits.* A person will not be credited with previous benefits from other agencies other than time in service for retirement if they are with Public Employees Retirement System (PERS).

2.110 Promotions. The decision to recruit on a promotional or open basis will depend upon the availability of qualified in-house applicants. A department may limit a promotional opportunity to current City employees. In most instances, recruitment for the most suitable candidate will begin as soon as resignations are filed. Promotions in every case involve an increase in duties and responsibilities. The procedure for selection is determined by Section 2.80.

Upon promotion to a higher classification the employee so promoted shall be considered as a probationary employee in the new classification but shall retain all benefits normally assigned to a regular employee.

2.120 Probation.

- A. **Object.** The probationary or working test period is an integral part of the examination process. It shall be utilized to observe closely the employee's work, to secure the most effective adjustment of a new or promoted employee to the position, and to reject any employee whose performance does not meet required work standards.
- B. **Duration.** The probationary period for all employees is twelve (12) months. If a department head requests in writing, an extension of an established probationary period prior to expiration, the City Manager may extend the probationary period of a particular employee for a single interval of three months beyond the end of the normal probationary period.
- C. **Evaluation of Performance.** Throughout the full probationary period, the employee's supervisor should inform the employee when he/she is not performing satisfactorily and is not meeting probationary test period requirements. A written evaluation will be administered to all probationary employees during the probationary period. The evaluations are to be completed after ninety (90) days of service, at six (6) months of

service, and thirty (30) days prior to completion of the first year of employment with the City. Failure of the department to provide a written evaluation shall not mean that the employee has satisfactorily completed probation.

- D. **Dismissal.** During the probationary period, the Department Head may terminate from employment any employee in the sole discretion of the Department Head. The Department Head shall immediately notify the City Manager and the employee of the termination for failure to satisfactorily complete probation. Probationary employees are subject to termination without cause, and without any right to appeal or hearing, except as may otherwise be required by statute.
- E. **Probationary Period Reports.** Prior to the expiration of an employee's probationary period, the Department Head shall notify the City Manager whether the service of the employee has been satisfactory and whether the employee will continue in his/her position.
- F. **Failure to Complete Probation.** An employee who does not successfully complete his/her probationary period may be reinstated to a position in the class occupied by the employee immediately prior to his/her promotion only if there is a vacancy in the department. If a vacancy exists in another department in the City, such employee may be considered along with other applicants.

2.130 Nepotism and Conflicting Personal and/or Business Relationships.

- A. **Purpose and Scope.** The purpose of this policy is to ensure effective supervision, safety, security, performance, assignments and discipline while maintaining positive morale by avoiding actual or perceived favoritism, discrimination, or other actual or potential conflicts of interest by or between employees of this City.
- B. **Restricted Duties and Assignments.** While the City will not prohibit personal or business relationships between employees, the following reasonable restrictions shall apply (Government Code Section 12940(a)):
 - 1. Employees are prohibited from directly supervising, occupying a position in the line of supervision, or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
 - a. If circumstances require that such a supervisor/subordinate relationship exists temporarily, the supervisor shall make every reasonable effort to defer matters regarding the involved employee to an uninvolved supervisor.
 - b. When personnel and circumstances permit, the City will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The City however, reserves the right to transfer or reassign any employee to another position within the same classification as it may deem necessary in order to avoid conflicts with any provision of this policy.

2. Employees are prohibited from participating in contributing to, or recommending promotions, assignments, performance evaluations, transfers or other personnel decision affecting an employee who is a relative, or with whom they are involved in a personal or business relationship.

C. Employee's Responsibility. Prior to entering into any personal or business relationship or other circumstances which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, employees shall promptly notify his/her uninvolvement, next highest level of supervisor.

Whenever any employee is placed in circumstances which would require the employee to take action or provide other official information or services to any relative or other individual(s) with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolvement, immediate supervisor.

D. Supervisor's Responsibility. Upon being notified of or becoming aware of any circumstance(s) which could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Human Resources Manager through their Department Head of such actual or potential violations.

Section 3.00

COMPENSATION/ BENEFITS

SECTION 3.00 –COMPENSATION/BENEFITS

- 3.10 Compensation.** The compensation plan includes the basic salary schedule as adopted by the City Council in the budget and subsequent amendments thereto, and the schedule of salary ranges as adopted by the City Council. Such schedule consists of minimum and maximum rates of pay and intermediate steps, as applicable, for all classes of positions included in the classification plan. The provision of this section three (3) applies when mediated by an applicable MOU or contract of employment.
- 3.20 Use of Salary Ranges.** Salary ranges are intended to furnish administrative flexibility in recognizing individual differences among positions allocated to the same class, in providing employee incentive, and in rewarding employees for meritorious service. The following general provisions shall govern the granting of within-the-range increases:
- A. The minimum rate established for the class is the normal hiring rate, except in those cases where unusual circumstances appear to warrant appointment of an employee at a higher rate. Appointment above the minimum step rate may be made when the City Manager determines that it is necessary in the best interests of the City. Approval will be based on qualifications of the applicant being in excess of the requirements for the class, that there is a shortage of qualified applicants available at the minimum step, and that qualified applicants decline employment at the minimum step.
 - B. Thirty (30) days prior to completion of the first year of employment with the City, employees will be considered for a salary increase. A merit evaluation form must be provided for each salary increase. The evaluation by a Department Head shall be accompanied by a written recommendation to the City Manager for either advancement to the next salary step or retention at the current step. Incumbents appointed at the first step of the salary range will be eligible for consideration for placement at the next step of the range at the end of the probationary period. If advancement is approved by the City Manager, the employee's new step shall be effective on the first day of the pay period next following the benefit date. The City Manager shall monitor evaluations prior to step increases.
 - C. The remaining steps are reserved to reward employees for satisfactory performance and service. At least thirty (30) days prior to each succeeding anniversary date, Department Heads will forward to the City Manager a performance evaluation. The evaluation shall be accompanied by a written recommendation for either advancement to the next salary step or retention at the current step. All such advancements and retention must be approved by the Human Resources Manager with final approval by the City Manager.
- 3.30 Management Employees.** On appointment, the City Manager may grant a new management employee a beginning salary not to exceed the maximum of the range for the affected class. Such salary should reflect a judgment as to the ability of the employee to achieve expected performance standards within anticipated time frames.
- 3.40 Total Remuneration.** The salary rate and benefit schedule established for a position shall

represent the total remuneration for the employee, not including reimbursement for out of pocket cost and official travel. No employee shall receive pay from the City in addition to the salary authorized under the schedules provided in the pay plan for services rendered by him/her either in the discharge of his/her ordinary duties or any additional duties which may be imposed upon him/her or which he/she may undertake or volunteer to perform. No reward, gift, or other form of remuneration in addition to regular compensation shall be received from any source by employees for performance of their duties unless in accordance with written, administrative guidelines issued by the City Manager.

- 3.50 Compensation on Promotion.** Any employee who is promoted to a position in a class with a higher salary range shall receive a pay raise of not less than five percent (5%), but in no event shall the pay raise be greater than the top step of the new salary range. An employee thus promoted is therefore assigned to a new benefit anniversary date effective on the date of promotion.
- 3.60 Compensation on Demotion.** Any employee who is demoted to a position in a class with a lower salary range shall have his/her salary reduced to the salary step in the range for the lower class which is closest to the employee's current salary. He/she shall retain his/her current anniversary date.
- 3.70 Compensation on Transfer.** Any employee who is transferred from one position to another position in the same class, or to another position in a class having the same salary range, shall be compensated at the same step in the salary range as he/she previously received and his/her salary anniversary date shall not change.
- 3.80 Compensation on Change in Range Assignment.** Whenever a class is reassigned to either a higher or lower salary range, the salary of each incumbent in such class on the date the reassignment is effective shall be adjusted to the step in the new range that corresponds nearest the amount to the step he/she was receiving in the former range, and not necessarily an increase, and he/she shall retain the same salary anniversary date. When a salary range reassignment becomes effective on the same date as an employee's salary anniversary date, he/she shall first receive any increase within the range to which he/she is entitled and then receive the corresponding step adjustment.
- 3.90 Compensation on Position Reclassification.** The salary of an employee in a position that is reclassified shall be determined as follows:
- A. If the position is reclassified to a class with the same salary range as the previous class and if the incumbent is appointed to the reclassified position, the salary range and the salary anniversary date of the employee shall not change. This provision shall also apply to change of class title.
 - B. If the position is reclassified to a class with a higher salary range than the previous class, and if the incumbent is appointed to the reclassified position, then the salary of such employee shall be governed by Rule 3.50.

C. If the position is reclassified to a class with a lower salary range than the previous class and if the incumbent is appointed to the reclassified position, his/her salary shall not change. If his/her salary is greater than the maximum step of the lower salary range, his/her salary shall be "Y" rated until such time as the general cost-of-living increase, inequity adjustment, or other salary increase result in a monthly salary appropriate for the class. The employee's salary anniversary date shall not change and he/she shall not be required to serve a new probationary period.

3.100 Out-of-Rate Pay. Employees whose classifications are represented by a Bargaining Unit shall receive out-of-rate pay in accordance with the applicable Memorandum of Understanding. Non-represented employees shall receive a minimum of a 5% increase after working one complete pay period at the higher classification level each time he/she is assigned.

3.110 Compensatory Time Off in Lieu of Overtime. Upon direction or approval of the Department Head, compensatory time off in lieu of overtime payment will be permitted in accordance with applicable Memorandum of Understanding and the provisions of the Fair Labor Standards Act.

3.120 Payroll Errors. The City and its employees are mutually responsible for overpayments and under payments. If an employee notices either on his/her check it is his/her responsibility to notify his/her immediate supervisor so the correct adjustment may be made. Adjustments relative to recoupment of overpayments will be made to minimize hardships, but any remaining balance for an overpayment shall be deducted from any final check. Under payments shall be adjusted in full, within 30 days.

3.130 Unemployment Insurance. The City provides the California Employment Development Department (EDD), which is the administrator of the unemployment Insurance Code, with factual information that may have a bearing on an employee's eligibility for benefits and with any other information related to the employee's application for benefits that may be requested by EDD.

3.140 Workers' Compensation. In compliance with California Workers' Compensation state laws, Workers' Compensation benefits are available to all employees injured on-the-job. All on-the-job injuries must be reported to the City Manager or his designee within 24 hours of the accident. If employees have an accident in a City vehicle, the police must be notified, names of witnesses obtained and the supervisor notified immediately.

3.150 Leaves and/or Time off Work. The following types of leaves and time off work observed by the City, including but are not limited to, sick leave, bereavement leave, military leave, civil leave, court appearance, pregnancy leave, compensatory leave, leave without pay, vacation, and holidays with pay. All leaves may be granted by the Department Head in conformance with rules established for each type of leave and applicable laws, and shall receive the approval of the City Manager, as specified. All departments are required to prepare permanent records of any absence from duty of their respective employees.

A. **Sick Leave.** All regular and probationary employees who have completed one pay period of continuous service are eligible for sick leave. Sick leave with pay is granted by, and

can only be used for, the following reasons: personal illness, injury or physical incapacity resulting from causes beyond the employee's control; enforced quarantine of the employee in accordance with community health regulations; to keep a doctor's or dentist's appointment; or the death or serious illness of a member of the employee's immediate family. Non full-time employees shall not accrue sick leave. All sick leave requests must be approved by the employee's supervisor and all employees or the employee's family member shall notify his/her supervisor that he/she is ill before the start of each work day. Probationary employees shall accrue sick leave but are not eligible to use it until completion of six months continuous service.

If an employee, while on accrued vacation, becomes sick for a period in excess of three days and furnishes a doctor's certificate, the employee's sick leave will be charged rather than accrued vacation.

Sick leave is specifically limited to those matters set forth herein and is not to be used as annual leave. Substantiation of any illness may be requested for an absence at the discretion of the supervisor. Further, a Department Head may require that an employee submit a doctor's certificate signed by a physician stating the nature of his/her sickness or injury, that the employee has been incapacitated for work for the period of absence and that he/she is again physically able to perform his/her duties.

1. *Amount of Sick Leave.* Probationary and regular employees earn sick leave credits at the rate of eight (8) hours per month. Sick leave may be accumulated without limit. For the initial computation of sick leave due, an employee shall be considered as having worked a full pay period when the employee works at least half of the pay period. If a probationary employee is given a regular appointment, time served as a probationary employee shall be credited for sick leave purposes.
2. *Layoffs.* An employee who is laid off from his/her position, if reappointed within 18 months, has available for his/her necessary use any unused sick leave existing at the time of layoff. When an employee is transferred to another position, any unused sick leave which may have accumulated to his/her credit shall be transferred.
3. *Coordination with Injury Leave and Workers Compensation.* An employee receiving sick leave with pay and simultaneously receiving compensation under Workers' Compensation laws shall receive only that portion of his regular salary which will, together with Workers' Compensation, equal his/her regular salary. Accrued sick leave shall be charged accordingly. Charges shall be made against sick leave accruals for any waiting period not covered by the Workers' Compensation Act. After sick leave accruals are exhausted, vacation time is automatically charged.
4. *Computing Sick Leave.* Absence for a fraction or part of the day that is chargeable to sick leave in accordance with these provisions shall be charged proportionally.
5. *Doctor's Certificate.* Sick leave with pay in excess of three (3) consecutive working days, for reasons of personal illness or injury, may be granted only after presentation

of a written statement by a licensed physician to the Department Head certifying that the employee's condition prevented him/her from performing the duties of his/her position and that he/she is able to return to work and fully perform the duties of the position. Return to duty on a limited duty status may be granted if requested by the employee and consented to by a licensed physician and after the employee's Department Head determines that the employee can perform key job functions and such limited duty will not be detrimental to the operation or efficiency of the City.

6. *Sick Leave at Retirement.* Employees retiring on normal service retirement shall be eligible for a sick leave conversion to service credit as specified in the City's PERS contract.
 7. *Family Medical Leave.* When an employee is compelled to be absent from duty due to the serious illness or injury of a member of his/her immediate family, the employee may utilize six (6) days of his/her sick leave for this purpose during a calendar year, except as otherwise provided for in an applicable MOU or the Family Medical Leave Act. The employee may be required to show evidence by a doctor's certification for the absence from work. Usage of sick leave is approved for guardians to take care of seriously ill dependents and additionally to make arrangements for care for children with regular childhood diseases.
- B. *Funeral/Bereavement Leave.* A full-time employee may use a maximum of three days (24 hours) paid bereavement leave time to attend a funeral of a member of the employee's immediate family. If additional time is required, accumulated vacation time may be used when approved by the City Manager.
- C. **Military Leave.** The provision of the Military and Veterans Code of the State of California shall govern military leave of City employees.
- D. **Civil Leave.** Any full-time, regular employee shall be given necessary time off without loss of pay when performing jury duty, or performing emergency civilian duty in connection with national defense. Employees shall not waive jury duty fees and all fees received (other than meal or travel allowances) shall be returned to the City. A probationary or regular employee who is absent for jury duty is paid his or her regular salary only if the employee remits the amount received for such duty to the City. When appropriate, the supervisor may request exemption of individual employees from jury duty when such service would entail undue hardship on the City or the public it serves.
- E. Court Appearance.
1. **Court-Subpoenaed Witness or Expert Witness in the Interests of the City.** In any absence from work due to being a court-subpoenaed witness in issues involving the City, an employee shall demand the payment of statutory witness fees. Whenever possible, employees shall determine whether certified copies of appropriate documents would be suitable and would eliminate the need for a court appearance.

An employee who is absent from work due to being a court-subpoenaed witness will be paid the normal salary in accordance with the applicable Memorandum of Understanding for the corresponding period of absence. No portion of the employee's salary will be forfeited as the result of such an appearance; however, all witness fees (except personal travel and/or subsistence payments) shall be remitted to the City.

2. **Party to Suit or As Expert Witness Not Serving in the interests of the City.** An employee who is absent from work due to being a party to a law suit or who is an expert witness not serving in the interests of the City shall appear on his/her own time. He/she will be charged vacation time, or his/her pay will be docked for the period of absence.
- F. **Leave Without Pay.** The City Manager or designee may grant a regular employee a leave of absence without pay not to exceed three (3) months. No leave shall be granted except upon written request of the employee submitted to the City Manager. If such leave of absence is for medical reasons, the employee shall use all accumulated sick, vacation, and compensatory leave prior to commencing a leave of absence without pay. Such leaves may be granted when it is in the interests of the City to do so. Failure on the part of an employee on leave to report to work at the expiration of his/her leave shall result in dismissal of the employee. Vacation and sick leave shall not accrue to an employee who is on a leave of absence. The decision of the City Manager on granting or refusing to grant a leave of absence or extension thereof shall be final and conclusive and shall not be subject to the grievance procedure. At the expiration of the leave without pay, the employee shall be reinstated to the same department and to the position vacated if the position still exists or to any other position in the same classification within the department. If the leave was for medical reasons, the employee shall be evaluated as fit to return to full duties by a doctor approved by the City. The anniversary date for the purposes of all step raises shall be adjusted according to the length of the leave.
- G. **Pregnancy Leave.** Pregnant employees shall be granted leave without pay to begin at such time as is mutually agreeable to the employee and the department or if the employee becomes disabled due to the pregnancy and cannot perform the essential functions of the job and provides the Human Resources Manager with the appropriate medical verification. Upon written approval of the employee's Department Head and City Manager, accrued vacation pay and sick pay benefits may be used during pregnancy leave.
- H. **Compensatory Leave.** Compensatory time off may be granted in lieu of overtime pay at the employee's request and with the approval of the supervisor and in accordance with an applicable appropriate Memorandum of Understanding, if any, and state and federal laws.
- I. **Unauthorized Leave.** An unauthorized absence of an employee for three (3) consecutive work days shall be considered Job Abandonment and constitute an automatic resignation from City service. (See Section 4.50A)
- J. **Vacation.** Except as otherwise provided in an applicable MOU, if any, probationary and

regular employees earn vacation on the following basis:

Twelve (12) days (96 hours) per year for the first two (2) years.
Thirteen (13) days (104 hours) per year beginning with the third (3rd) year.
Fourteen (14) days (112 hours) per year beginning with the fourth (4th) year.
Fifteen (15) days (120 hours) per year beginning with the fifth (5th) year.
Sixteen (16) days (128 hours) per year beginning with the sixth (6th) year.
Seventeen (17) days (136 hours) per year beginning with the seventh (7th) year.
Eighteen (18) days (144 hours) per year beginning with the eight (8th) year.
Nineteen (19) days (152 hours) per year beginning with the ninth (9th) year.
Twenty (20) days (160 hours) per year beginning with the tenth (10th) year.

Computation of vacation accrual shall be prorated based on the hours worked versus the number of hours in the pay period. If a provisional employee is given a regular appointment, time served as a non-full time employee shall be accrued for vacation purposes. Vacation time must be accrued prior to taking time off from work.

1. *Probationary Period.* Employees serving a probationary period on an original appointment shall accrue vacation leave in accordance with the provisions of this section.
 2. *Scheduling and Accrual.* Vacations are to be taken at the convenience of the department. The maximum accrual of vacation leave shall not exceed thirty (30) working days or two-hundred and forty (240) hours, whichever is less, and shall be subject to the appropriate Memorandum of Understanding (MOU) and/or City Council resolution. If the maximum accrual is reached, the employee will no longer accrue vacation leave.
 3. *Separation and Reinstatements.* An employee who separates from City service will receive pay for any vacation accrued as of the effective date of resignation. All accrued vacation, compensatory time, the employee's final paycheck, life insurance, and where applicable, sick leave, holiday and uniform allowance of an employee who dies in the service shall be paid to the employee's designated beneficiary. For vacation purposes, reinstated employees are considered new employees.
- K. **Holidays with Pay.** Those certain days as the City Council may fix are holidays for all probationary and regular employees. All employees, probationary and regular, working Monday through Friday shall observe the following Monday as a holiday when a holiday falls on a Sunday; holidays falling on Saturday shall be observed on the previous Friday. For probationary or regular employees on a work week other than Monday through Friday, their holidays shall be compensated by whatever agreements are entered into via their Memorandum of Understanding. In order to receive pay for an observed holiday an employee must have been in a pay status with the City on the work day before and after the holiday.
- L. **Meal Periods.** Meal periods are set by Department Heads. The Department Head will try

to schedule meal periods at a time that will suit the needs of both the employee and the department. In order to insure continuous service to the public, certain offices and functions must be staffed at all times. For this reason all employees may not be permitted to go to lunch at the same time.

M. **Rest Periods.** Rest periods are intended to permit a "break" from the normal work activities. Two breaks, as determined by each department, shall be set aside as rest periods. In general, employees working in fixed locations (fire building, police building, city hall, yard and treatment plants) have a place set aside to prepare coffee and other refreshments. Employees who work in temporary locations (police, fire, community services, and public works personnel) should take their "breaks" near the job site or as specified in departmental policy.

N. **Catastrophic Leave.**

1. Purpose: To establish the procedure for the voluntary donation of leave hours for catastrophic illness or injury to a fellow eligible employee.

2. Eligibility:

a. Donors: Any employee with a maintained leave balance of not less than one hundred and sixty (160) hours may donate accrued leave to another eligible employee who is suffering from a catastrophic illness or injury. Donors are encouraged to maintain sufficient leave balances for their personal use and are required to accrue at the same pay rate or more than the regular rate of pay of the intended recipient before leave can be donated.

b. Recipients:

1. Any eligible employee suffering from a catastrophic illness or injury is eligible to request donations after all accrued leave (sick leave, vacation, administrative leave-if applicable, and compensatory time) have been (or are expected to be) exhausted. Multiple requests for donations are permitted.

2. Employees applying for eligibility under the hardship provision of this policy must first use all available accrued leave (sick leave, vacation, administrative leave – if applicable, and compensatory time). Recipients of donated leave are limited to thirty (30) calendar days per calendar year unless otherwise approved by the Human Resources Manager.

3. Certification from a doctor that the illness/injury will preclude the eligible employee from returning to work for at least thirty (30) calendar days must be submitted to the City Manager and/or the Human Resources Department with and application to request donated leave.

3. Procedures:
- a. Hours shall be donated using the appropriate donation form.
 - b. Employees may donate up to forty (40) hours of accrued leave for each donation request.
 - c. Donated hours will be credited to the recipient on an as needed basis. Hours will be subtracted proportionately from all donors and will be used consecutively to keep the recipient in a fully paid status, as long as donated hours allow, while on catastrophic leave. Donations for hardship cases may only be made after the Human Resources Manager gives their authorization.
 - d. Donated leave balance hours will be converted to sick leave hours for the recipient and entered into his/her sick leave accrual balance by Payroll at the end of each pay period. Donors' respective sick, vacation, administrative, or compensatory leave balances will be debited at the end of each pay period as needed. This will continue until either the donations are exhausted or the employee returns to work.
 - e. Hours are to be donated, not wages. There will be no tax liability to donors.
 - f. Donated leave shall be credited each pay period as time is taken and is subject to the recipient's normal payroll deduction.
 - g. If the recipient returns to work before the leave is used all donors will receive a pro-rated credit posted back to their leave account in the order specified on the donation form.
 - h. Employees receiving donated leave shall not be eligible to receive payment of Long Term Disability (LTD) benefits in accordance with LTD plan limitations while on catastrophic (sick) leave. When catastrophic leave payments cease, applicable LTD benefits will be paid directly to the employee from the City's LTD Administrator.
 - i. Any period of donated leave will be counted as Family and Medical Leave time in accordance with State and Federal law. Family and Medical Leave provides up to twelve weeks of job-protected leave for time off work due to a serious illness of the employee, employee's child, spouse, mother or father when the employee has worked for the City for at least 1,250 hours over the prior twelve month period.
 - j. All benefits that accrue to an employee on sick leave will accrue to an employee absent on Catastrophic Leave.

3.160 Per Diem (Per Day) Reimbursement. The daily allowance for reimbursable employee expenses which may include lodging, food, gas, mileage and other incidental expenses as

currently allowed by the IRS per diem rates, may be determined and paid to eligible employees.

Section 4.00

CHANGES IN EMPLOYMENT STATUS

SECTION 4.00 CHANGES IN EMPLOYMENT STATUS

4.10 Transfers. A transfer is assignment of an employee from one position to another position. Transfers may take place within a department prior to the department utilizing an existing eligibility list or the recruitment process and shall be at the discretion of the Department Head. A transfer may take place between departments, between positions of the same pay range, between positions of the same class or between positions of different classes, either at the conclusion of an in-house or outside recruitment process, or, if the employee requesting transfer is on an eligibility list for the vacant position, or if in compliance with a rehabilitation decision. A transfer does not supersede utilization of an existing list or the recruitment process as defined in Section 2.00.

4.20 Nondisciplinary/Downgrades. An employee may be downgraded to a lower position for which he/she is qualified for any of the following reasons:

- A. when an employee would otherwise be laid off because the position is being abolished; a position is being reclassified to a higher grade, (duties have evolved into or overlaps another classification); lack of work; lack of funds; or because of the return to work from authorized leave of another employee to such a position in accordance with the rules on leaves; or where departmental needs have changed;
- B. when an employee does not possess the necessary qualifications or does not possess the ability to render satisfactory service in the position held, or when removed during probation in accordance with Section 2.120(d); subject to the procedures of Section 5.70; and/or
- C. when an employee voluntarily requests such downgrade.

The City Manager retains the discretion, if a position changes due to no fault of the employee; to Y-rate that employee's salary. The City Manager may change the classification of any established position downward to meet the City's need. In the event such action has an impact on a bargaining unit, the City will offer to meet and confer regarding such impact with the affected unit.

4.30 Reinstatements. An employee who has resigned with a good record may be rehired, if a vacancy exists, to the same or similar position by the same department from which he/she resigned within one year of the date of the resignation without qualifying in competitive examination. This is known as a reinstatement. Such action must be submitted to the City Manager by letter form giving name, title, salary, date of separation, date of proposed reinstatement, and cause of vacancy which the reinstatement will fill.

An employee may be reinstated at the same step in the pay range which he had received or he may revert to a lower step within the range at the discretion of the Department Head and with the approval of the City Manager. He/she cannot be reinstated at a higher step or the reinstatement cannot be made if the City has a layoff list for the position. Reinstated employees are considered new employees for purposes of vacation, sick leave, salary steps and retirement. No entitlements

or previously accrued benefits, such as sick leave, will be restored. Employees on a layoff list will not be considered new employees (for the sake of benefits) until after two years of being laid off

Employees restored to duty after military service are not reinstated in the sense of this rule, but are instated subject to reinstatement under the provisions of the Military and Veterans Code of the State of California.

4.40 Y-Rating. Y-Rating is the process whereby an employee does not receive less pay when promoted, down graded or demoted, notwithstanding, the pay rate assigned others in the classification, and to make the transition easier, the employee receives the same pay until salary adjustments are made for the entire class. At that time, he/she will be paid at the same rate as all others within the particular classification. This usually occurs when a position has been downgraded or a person demoted due to no fault of the employee. Y-rating is at the discretion of the City Manager.

4.50 Separation. Following regular employment after the satisfactory completion of probation, separations of employees from positions in the classified service shall be designated as one of the following categories and shall be accomplished in the manner indicated: resignation, disability, death, retirement, dismissal, or layoff.

- A. *Resignation.* An employee resigns from employment by notifying his/her supervisor either orally or in writing or by incurring three (3) consecutive working days of unauthorized leave as a result of the failure to report to work as required unless the employee has been hospitalized or incapacitated. Oral or written notice of resignation should be given as far in advance as possible, but a minimum of two weeks' notice is desired. If orally or automatically as a result of three (3) consecutive days, the supervisor shall notify the Department Head and the City Manager of the resignation and the resigning employee shall be sent a copy of that notification. Failure to give adequate advance notice of resignation may be cause for denying future employment with the City.
- B. *Disability.* An employee shall be separated from employment as a result of a physical or mental disability when the employee cannot substantially perform the required duties and functions of their position. An action to separate an employee from employment may be initiated by the employee, the employee's legal representative, or the City, and must be supported in each case by evidence acceptable to the City Manager. The City may require the employee to submit such examinations by experts of City's choice and at City's expense as City determines reasonably necessary to evaluate a claim of disability.
- C. *Death.* Separation from employment with the City shall be effective as of the date of death of the employee. All compensation due in accordance with Section 3.150 J3. of this document, except for such sums required, by law to be withheld, shall be paid to the employee's designated beneficiary.
- D. *Retirement.* Whenever an employee meets the conditions set forth in the contract between the City and the Public Employees Retirement System, or any successor retirement plan, the employee may elect to retire and receive those benefits earned under the retirement

plan.

- E. *Dismissal.* An employee may be dismissed from regular employment through the processes generally set forth in Section 5.00. Only regular employees of the City are entitled, except as otherwise required by State statute or applicable MOU, to the procedural provisions, including rights of appeal of a disciplinary decision, of Section 5.60B for termination or discipline for cause. All other employees of the City including, but not limited to those employees defined as unclassified, probationary employees, non full time employees, contract employees or otherwise, are "at-will" employees, who may be terminated and separated from employment without cause and without the hearing and appeal processes set forth herein, unless specifically required by state or federal law.

- F. *Layoff.* Layoff is the separation of employees from service due to a reduction in workforce or elimination of one or more positions.
 - 1. *Order of Layoff.* Whenever a determination has been made to reduce the workforce, the reduction in the workforce shall be as prescribed in an applicable MOU, as required by law or as otherwise determined by the City Manager.

 - 2. *Re-employment Rights.* After layoff, re-employment Rights shall be as contained in an applicable MOU, as required by law, or as determined by the City Manager.

Section 5.00

EMPLOYEE CONDUCT AND DISCIPLINE

SECTION 5.00 - EMPLOYEE CONDUCT & DISCIPLINE

5.10 Specific Rules of Conduct -Causes for Disciplinary Action against any employee may include, but shall not be limited to, the following:

- A. Neglect of duty.
- B. Violation of safety rules.
- C. Unacceptable attendance, record including tardiness, absenteeism, overstaying lunch or break periods, or a pattern of unscheduled and/or inappropriate time off.
- D. Possession, distribution, or under the influence of alcoholic beverages, nonprescription or unauthorized narcotics or dangerous drugs, or abuse of prescription drugs during working hours.
- E. Inability, (including appropriate licenses, certifications, etc.) unwillingness, refusal or failure to perform work as assigned, required or directed.
- F. Unauthorized soliciting on City property or time.
- G. Conviction of a felony or conviction of a misdemeanor involving moral turpitude.
- H. Unacceptable behavior toward the general public or fellow employees or officers of the City.
- I. Falsifying employment application materials, time reports, records, or payroll documents or other City records.
- J. Disobedience to proper authority.
- K. Misuse of City property.
- L. Violation of any of the provisions of these working rules and regulations or departmental rules and regulations.
- M. Disorderly conduct, participation in fights, horseplay or brawls.
- N. Dishonesty or theft.
- O. Establishment of a pattern of violations of any City policy or rules and regulations over an extended period of time in which a specific incident in and of itself' would not warrant disciplinary action, however, the cumulative effect would warrant

such action.

- P. Continued substandard performance of duties.
- Q. Failure to maintain required licenses and certificates.
- R. Insubordination.
- S. Other acts inimical or detrimental to the public service.

5.20 Outside Employment. No employee of the City may engage in additional employment outside the official hours of duty if such outside employment will cause or can cause a conflict of interest, or impair job performance. Employees must receive prior written permission from the City Manager through their department head prior to engaging in outside employment, per the City's Outside/Secondary Employment policy contained in Section 7.60 of these Personnel Policies and Procedures.

5.30 Political Activity. Political activities of employees shall be subject to the Government Code of the State of California.

5.40 Safety. It is important that safety rules are followed and that all safety equipment issued or approved is used.

5.50 Attendance. An employee shall be in attendance at regular work in accordance with these rules and general departmental regulations. All employees are expected to report to work on time, everyday, unless excused by the provisions of these policies and procedures.

5.60 Image. The City of Reedley strives to present itself as a professional services organization as well as provide a pleasant working environment for its employees. Therefore it is important that all employees maintain a professional image with the community, visitors, and the general public. While it is understood that employees are individuals and may have differing opinions as to what is considered acceptable behavior, décor, grooming and dress, the intent of this policy is to outline the minimum standards required of City employees in an effort to maintain a positive image of the City. It has been the policy that all employees promote a professional public image. This image is upheld when employees behave in a professional manner, when City offices and vehicles are kept clean and tidy, and when employees dress in appropriate attire.

A. Policy:

1. All employees are responsible for promoting a positive and professional image of the City of Reedley.

I. Dress and Grooming

a. General Guidelines for all City Employees - The City of Reedley maintains a professional business working environment. The following general standards apply to all employees:

1. Wear clean and well-maintained attire consistent with the nature of the job
2. Practice good personal hygiene that ensures the hair, person, and attire are neat, clean, groomed, and free from odor including the excessive use of scented products
3. While the City discourages showing tattoos at work, visible tattoos are permitted so long as they are not obscene, offensive, or sexual in nature
4. Employee apparel and grooming, including jewelry and hats, should not distract from, or interfere with, the performance of work duties or constitute a safety hazard
5. Pierced and clip-on earrings are permitted; however, no visible type of jewelry “piercings” through the nose, tongue, or other body parts may be worn while on duty

b. Office Apparel

The following office apparel shall be worn by employees working in an office setting:

1. Collared Dress Shirts, Sweaters, Blouses, Cardigan sets
2. Pants or Slacks
3. Dresses or Skirts
4. Dress or Casual Shoes
5. Dress Boots
6. Jewelry (in accordance with General Guidelines)

c. Casual Apparel

Casual clothing may be worn on Fridays, and on other days designated as casual dress days by the City Manager. Casual dress includes:

1. Polo shirts with appropriate pants or skirts, sweaters, and clothing made of denim fabric
2. Casual clothing must not have holes or be frayed
3. Athletic shoes provided they are free from holes and worn with socks or stockings
4. Dress or Casual Shoes
5. Dress Boots

d. Field Work Apparel

For employees who do not have uniforms provided by the City, the following may be worn:

1. Casual clothing
2. Full-length pants
3. Work boots
4. Shorts are not appropriate unless they are part of a work uniform or for participation in athletic or other events

5. Jewelry is permitted so long as it does not propose a safety hazard and is in accordance with the general guidelines

e. Uniforms

Employees in positions that require them to wear a uniform must wear the approved uniform during their work shift in accordance with the following guidelines:

1. Uniforms must be neat, clean and pressed in appearance at the start of the work shift
2. Uniforms should be worn only during working hours and on brief stops to and from work
3. Patches, pins, jewelry, or other ornamentation must not be added to the uniform, other than approved City patches, pins, and/or badges
4. Hard hats must be worn in accordance with applicable safety regulations
5. Hats are restricted unless otherwise approved by the City Manager or designee

f. Restricted Apparel

1. Pants that are low-riding, baggy, and/or ripped, shorts, sweat pants, casual capris or beach wear, spandex, leggings,
2. Track suits, sports jerseys, or overalls unless approved for a particular activity or event
3. All T-Shirts and shirts with advertisements except when approved by Council for special recognition
4. Dresses and skirts shorter than mid-thigh; strapless tops or dresses, low cut, sheer, mesh, cropped, halter, backless, camisole or having spaghetti straps not covered by a jacket or sweater, or any other clothing that exposes and employee's torso or underwear
5. Casual sandals such as flip-flops or any shoes that would impact job performance or interfere with safety. Footwear that is prescribed by a physician to facilitate recovering from a medical condition or on-going medical condition may be worn. In such cases, medical certification may be required.

II. Decor

Designated work areas are expected to be neat and free from excessive clutter. Pictures, plants, and other decorative items on desk tops, file cabinets, walls, cubicle panels, etc. should be kept to a minimum and be appropriate to the workplace. Pictures should be displayed in frames. Plants should be maintained in a healthy condition and pest-free. Displays of political or religious items are not permitted as this is a government facility.

Counter and Lobby Areas: The physical appearance of public counters should be neat, orderly, and attractively arranged to convey the impression of an efficient and effective City government as these are the areas that provide the first impression of the workplace to the public. It is understood that counters are work areas, so work in progress may be evident.

a. Open Office Areas: Personal decorative items should not be visible above or outside of personal work areas.

b. Private Offices: Framed artwork or photographs are acceptable if properly hung with appropriate hardware. Unframed posters, loose pictures, and otherwise inappropriate items should not be tacked or taped on walls.

III. Snacks and Meals

Employees are encouraged to take meal breaks in the designated eating areas. Eating in areas that are visible to the public is prohibited. Birthday treats or other food that employees bring to share should not be visible to the public.

Protect work surfaces by using a coaster for beverages on your desk and all conference tables. Wipe up spills immediately.

Dishware, utensils, glasses, mugs, storage containers, etc. that are used are to be washed and put away by the user.

Personal food ware, utensils, and storage containers are to be washed and put away. Microwave spills should be cleaned up by the person responsible before the next person uses the microwave.

IV. Vehicle

City vehicles should be operated in a safe and courteous manner. Drivers will keep their vehicle appearance, both inside and out, reasonably clean as it reflects on the image of the City. This requirement includes:

1. The exterior of the vehicle shall be clean in appearance, consistent with weather and working conditions. Frequency of scheduled washes will vary according to conditions under which the vehicle is used.
2. The interior of the vehicle shall be kept clean and orderly. Daily removal of litter is necessary. Accumulation of trash will not be permitted.

V. Violations:

The City reserves the right to require employees to modify their behavior, décor, and/or dress and grooming if it is not appropriate for the conduct of business with the public. Employees may seek clarification of this Procedure and may address any questions to his/her Department Head or the Human Resources Office. Department Heads in consultation with the Human Resources Manager will decide appropriateness, with the City Manager having the final decision.

Employees who report to work inappropriately groomed or dress in violation of this Procedure may be asked to leave work and change into acceptable apparel. In these situations, employees may use accrued leave time if available.

Employees whose work area or City vehicle is in violation of this policy will be asked to take appropriate measures to ensure adherence to this policy.

Flagrant or frequent violations may result in discipline up to, and including, termination from employment with the City.

VI. Exceptions:

The City Manager or his/her designee may authorize exceptions to this policy when the application would infringe on an employee's gender identity, genetic characteristics or information, race, color, national origin, ancestry, religion, creed, sex, physical or mental disability, medical condition, marital status, veteran status, sexual orientation, age, or any basis protected by applicable federal, state, or local law.

5.70 Discipline. Whenever an employee performance violates the rules, regulations or rules of conduct of the City or when their attitude, work habits, performance or personal conduct falls below an acceptable level and does not support the efficient and effective function of the City, department or workplace, an employee's supervisor shall inform the employee promptly and specifically of the failure and counsel or discipline the employee as necessary. If appropriate and justified, a reasonable period of time for improvement may be allowed before imposing disciplinary action. It is the policy of the City to follow the philosophy of "progressive discipline", however, in some instances a single specific incident or the initial discovery or evaluation of a course of conduct may justify severe disciplinary action including dismissal. However, the action to be taken depends on the seriousness of the incident and the pattern of the employee's past performance and conduct.

A. Forms of Discipline:

1. *Oral and/or Written Counseling* are considered corrective measures and not formal disciplinary actions. Oral counseling may be documented and used for evaluations and/or a record of corrective actions.
2. *Oral and/or Written Reprimand.* In situations where advice, oral and/or written counseling has not resulted in the expected improvement, or where a more severe initial action is warranted, a written reprimand may be sent to the employee, and a copy shall be placed in the employee's personnel folder. There is no right of appeal from a written reprimand unless current law provides otherwise. For good cause, a written reprimand may be removed from an employee's file by direction of the Department Head, upon review of the City Manager or his/her designee, after one (1) year.
3. *Suspension.* An employee may be suspended with or without pay for up to 25 working days by direction of the Department Head.
4. *Demotion.* An employee may be demoted to a lower merit step within a classification or a lower classification.
5. *Dismissal.* A Department Head, or the City Manager for employees directly appointed by the City Manager, may dismiss any employee in their department in accordance with the procedures generally set forth in Section 5.60.

B. Disciplinary Procedures

1. *Appeals of Disciplinary Procedures.* Forms of discipline enumerated in Section 5.70,

except written reprimands, and oral and/or written counseling unless current law provides otherwise, may be appealed from the action of a department head to the City Manager. The City Manager shall promulgate procedures as he/she determines necessary for the handling of employee discipline matters. The failure of a Department Head to follow a procedure shall not render the action void nor constitute a defense by an employee to a disciplinary action.

For all employees except a Department Head, the disciplinary process is initiated by the Department Head. In the case of a Department Head or other management employee, the disciplinary process is initiated and finalized by the City Manager without rights of appeal.

2. *"Skelly" Hearing.* In the case of dismissals, demotions, suspensions without pay, or reprimands of Peace Officers and Fire Fighters, the employee shall be offered a "Skelly" hearing and prior thereto, the employee shall be furnished written notice containing the nature of the proposed action, the reasons and supporting documents, and the right to address the charges, orally or in writing. This notice shall be furnished at least five (5) calendar days prior to the proposed effective date of the action. In the event of dismissal, after receiving notice, but prior to the proposed effective date of dismissal, the employee may be retained in duty status, or suspended with pay at the discretion of the Department Head. If the employee fails to respond to the advance notice of the proposed action, then the action of the Department Head shall be effective on the date specified for final action. Should the employee respond orally or in writing during a "Skelly" hearing, the Department Head shall consider any comments of the employee before making a final decision and within ten (10) calendar days, transmit to the employee a letter containing the decision. The only exception to giving prior notice for dismissal or suspension is an emergency where it is deemed necessary to remove the employee from his/her employment immediately for the safety of the public, the employee, or other City employees, provided a Skelly hearing is afforded at the earliest reasonable opportunity available and the disciplinary action is still appealable.
3. *Time Limits for Appeals of Discipline.* A disciplined employee shall have ten (10) calendar days; counted from the day following either personal service or by deposit in the U.S. mail, first class, postage prepaid, of the notice of final action, to appeal a suspension without pay, demotion, or dismissal, to the City Manager. If the employee appeals within ten (10) calendar days, the employee can remain on their normal work schedule until the appeal to the City Manager has been completed. The employee may be placed on leave with pay upon approval of the City Manager.

If the employee wishes to appeal to the City Manager a suspension without pay, demotion or a dismissal, he/she shall transmit, in writing, the appeal to the City Manager within ten (10) calendar days following the notice of the discipline, which notice shall either be personally served or mailed to the employee by depositing the notice in the U. S. Mail, first-class, postage prepaid. The decision of the City Manager is final.

5.80 Policies Affecting the Workplace

A. **Americans with Disabilities Act (ADA) Compliance Program for Applicants and Employees with Disabilities.**

1. **Statement of Intent:** It is the policy of the City of Reedley to comply with all the relevant and applicable provisions of the Americans with Disabilities Act ("ADA") and all other applicable federal and state laws relating to discrimination in employment on the basis of physical or mental disability. The City of Reedley will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability. The City of Reedley also will make reasonable accommodation whenever required by law for all employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the duties and assignments connected with the job and provided that any accommodations made do not require significant difficulty or expense.

The City of Reedley's policy of nondiscrimination applies to all personnel and employment practices.

2. **Employment Policies:** The City of Reedley will review all personnel procedures to ensure that job applicants and employees with disabilities receive nondiscriminatory consideration when their job qualifications are assessed. All employment and advancement decisions will be based solely upon the objective determination of each candidate's job qualifications.
3. **Administration and Implementation:** The Human Resources Manager is responsible for the ADA compliance program at the City of Reedley. The functions for which the Human Resources Manager will be responsible include the following:
 - a. Development of policy statements, guidelines, and internal and external communications about the requirements of the ADA and the City's compliance program.
 - b. Meeting with managers, supervisors, and employees to discuss any problems or concerns that may arise in accommodating individuals with disabilities to ensure that the program is being followed.
 - c. Determining the need for remedial action and designing policies to correct deficiencies in the program.
 - d. Serving as liaison between the City of Reedley and enforcement agencies, persons with disabilities, and organizations representing individuals with disabilities.
 - e. Keeping management informed of the latest developments in hiring and

employing persons with disabilities.

4. **Dissemination of Policy:** The City of Reedley will make every effort to ensure that all interested parties are informed about and assist in the implementation of the ADA compliance program. All recruitment and job referral agencies will be notified of the City's nondiscrimination policy. The City also will notify other entities and organizations with which the City deals about the City's obligation and commitment to comply with the nondiscrimination requirements of the ADA. These entities include, among others, subcontractors, labor unions, and training organizations.
5. **Confidentiality:** Applicants and employees are assured that all information regarding a disability shall be kept completely confidential except that:
 - a. Appropriate supervisors and managers may be informed regarding restrictions on the work or duties of disabled employees and any accommodations that have been made;
 - b. If the condition may require emergency treatment, first aid, and safety, personnel may be informed; and
 - c. Government officials investigating compliance with federal laws may be informed. All employees with responsibilities which may require knowledge of disabilities are advised that they are to treat the knowledge with confidentiality.
6. **Internal Review Procedures:** Any employee or job applicant who believes that he or she has been discriminated against on the basis of disability should immediately bring the problem to the attention of the Human Resources Manager or the employee's supervisor. The City of Reedley will establish an internal review procedure to investigate and resolve discrimination complaints expeditiously.

No applicant or employee will be subject to coercion, intimidation, interference, or discrimination for registering a complaint or for assisting in an investigation of any alleged violation of laws prohibiting discrimination on the basis of disability.

- B. **Family and Medical Leave Policy:** The City of Reedley has established a family and medical leave policy that conforms with the requirements of state and federal law. Eligible employees can request a leave of up to 12 weeks under this policy. In no event can an employee take a leave in excess of 12 weeks in a rolling 12-month period that is measured backward from the date the employee uses any leave.

Employees should consult with their Department Head or Personnel Officer if they have any questions regarding their eligibility for a leave under the policy. Employees who are eligible for a leave based on their length of service must provide sufficient advance notice of their desire for a leave whenever the need for a leave is foreseeable. Requests for Family and Medical Leave of Absence which is attached and incorporated herein as Exhibit "A", should be submitted in writing at least 30 days prior to the date the

employee would like the leave to begin. Exceptions to the advance notification rule apply in some cases, such as when a medical emergency arises and it is not feasible to provide 30 days advance notice. In such case, the employee must provide as much advance notice as is practicable.

All accrued vacation, compensatory, or administrative leave benefits shall be used concurrently during a family/medical leave requested by an employee. In addition, all accrued sick pay benefits shall be used concurrently during a leave necessitated by a serious health condition of the employee, and may be used, upon written approval of the employee's Department Head and City Manager, for leaves necessitated by other eligible causes.

In the event of a prolonged and serious health condition of the employee, the employee shall use all or a portion of any remaining accrued sick, vacation, compensatory and/or administrative leave which may still exist after the end of the 12-weeks leave provided for under the Reedley Family Medical and Leave Policy.

Employees who are granted family and medical leaves will be informed in writing of the terms and conditions under which health and other insurance benefits will be continued during such leaves, as well as their obligations to pay their share of the premiums for such coverage. Any leave of absence granted under this policy or any other policy for a purpose authorized by the state or federal family and medical leave law shall be credited against the 12-week limit contained in this policy if and to the extent permitted by law. Employees who are granted family and medical leaves are guaranteed reinstatement to their former position or an equivalent position, subject to any exceptions that are allowed by law.

- C. **Anti-Discrimination Policy:** The City of Reedley believes in equal employment opportunity for all individuals without regard to race, color, religion, sex, age, ancestry, national origin, genetic information marital status, sexual orientation, disability, status as a veteran, political opinions or affiliations. This policy extends to all terms, conditions and privileges of employment as well as the use of all City facilities and participation in all City-sponsored activities, including, but not limited to, the following:

Discrimination in the form of harassment, retaliation, coercion, interference, or intimidation of any applicant or employee due to that applicant's or employee's race, religion, color, national origin, genetic information, sex, age, ancestry, marital status, disability, status as a Vietnam Era veteran, political opinion or affiliation is strictly forbidden, and any employee or applicant who experiences such activity should report it immediately to his or her supervisor or to the Human Resources Manager.

- D. **Anti-Harassment Policy:** The City of Reedley is committed to providing a work environment free of unlawful harassment. City policy prohibits harassment because of sex (which includes sexual harassment, gender harassment and harassment due to pregnancy, childbirth or related medical conditions) and harassment because of race, religious creed, color, national origin or ancestry, physical or mental disability, medical

condition, marital status, age, sexual orientation or any other basis protected by federal, state or local law or ordinance or regulation. All such harassment is unlawful. The City's anti-harassment policy applies to all City employees and prohibits unlawful harassment by any employee of the City, including council members, supervisors and co-workers.

If an employee believes that he or she is the victim of any type of harassment, including sexual harassment, that employee should immediately report the incident to his or her immediate supervisor or the Human Resources Manager or City Manager. The complaint should include details of the incident or incidents, names of the individuals involved and names of any witnesses. Supervisors will refer all harassment complaints to the Human Resources Manager. The City Personnel Officer will immediately undertake a thorough and objective investigation of the harassment allegations with as much discretion and confidentiality as possible.

1. **Examples of Sexual Harassment:** Conduct relative to prohibited unlawful harassment of whatever type, as identified above, includes, but is not limited to, the following behavior:

Written - suggestive or obscene letters, notes and invitations;
Verbal - derogatory comments, slurs or jokes;
Physical - assault, touching, impeding or blocking movements;
Visual - leering, sexually oriented gestures, or display of sexually suggestive or derogatory objects, pictures, cartoons, or posters.

2. **Employee Responsibility:** City employees are to report any sort of sexual harassment to their immediate supervisor, department head, or the Human Resources Manager. The complaint should include details of the incident or incidents, name(s) of the individual(s) involved, and names of any witnesses.

3. **Management and Supervisor Responsibility:** Management and supervisory personnel are responsible for ensuring that the work environment is free of sexual harassment by:

- a. Informing all employees under their direction of the City policy, and the complaint procedure;
- b. Reporting any instances of sexual harassment to their department head, and to the Personnel Officer for investigation;
- c. Based on the findings of the investigation, taking appropriate disciplinary action.

4. **Human Resources Manager Responsibility:** The Human Resources Manager is responsible for administering the complaint procedure, conducting an investigation and in consultation with the department head, recommending disciplinary action as may be appropriate.

If the City determines that unlawful harassment has occurred, immediate remedial action will be taken in accordance with the circumstances involved. Any employee determined by the City to be responsible for unlawful harassment will be subject to appropriate disciplinary action, up to and including termination. Whatever action is taken against the harasser will be made known to the employee lodging the complaint and the City will take appropriate action to remedy any loss to the employee resulting from the harassment. The City will not retaliate against an employee for filing a complaint and will not tolerate or permit retaliation by management, other employees or coworkers. **The City clearly does not tolerate harassment. Any individuals engaging in such conduct contrary to City policy will be personally liable in any legal action brought against them, because harassment is outside the course and scope of employment of all employees.**

The City encourages all employees to report any incidents of harassment forbidden by this policy **immediately** to the **Human Resources Manager** so that complaints can be quickly and fairly resolved with as much discretion and confidentiality as possible. Employees should also be aware that the Federal Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing investigate and prosecute complaints of prohibited harassment in employment. If an employee thinks he/she has been harassed or that he/she has been retaliated against for resisting or complaining, the employee may file a complaint with the appropriate agency.

Please refer to the Harassment Complaint Procedure which shall be followed in the event of perceived harassment, which is attached and incorporated herein as Exhibit "B".

This policy shall be reviewed and updated periodically by the City and because of the importance of the policy to the welfare of its employees, a copy of the policy shall be distributed to the employees each year and each employee shall read and confirm receipt of the policy. Copies of the receipts shall be retained in the individual employee personnel files.

- E. **Substance Abuse Policy:** The City and its employees recognize that behavior resulting from the use of alcohol and/or other drugs may detrimentally affect work performance, safety, public confidence in the City's work force and may present a risk to the City employees and the health and welfare of the citizens of the City of Reedley.

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

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

1. **Policy:** It is the City's policy that no employees shall:
 - a. Report to work under the influence of alcohol or drugs;
 - b. Be under the influence of alcohol or drugs while on standby;
 - c. Possess alcohol or drugs while on the job site or City property except as authorized in the course and scope of duty;
 - d. Use alcohol and/or drugs while on the job site or City property or while on standby except as authorized in the course and scope of duty;
 - e. Sell, distribute or provide alcohol or drugs to any employee or to any person while such employees are on duty or subject to being called;
 - f. Have their ability to work impaired as a result of the use of alcohol or drugs;
 - g. Operate City vehicles or other equipment while under the influence of alcohol and/or drugs.

Violations of this policy may be grounds for disciplinary action, up to and including dismissal from City employment.

While use of medically prescribed medication and drugs is not per se a violation of this policy, failure by the employee to notify his/her supervisor before beginning work when taking such medication or drugs which may interfere with the safe and effective performance of their duties or operations of City equipment will be considered a violation of this policy. In the event there is a question regarding the employee's ability to safely and effectively perform the assigned duties while using such medication or drugs, clearance from a qualified physician will be required. Supervisors will be required to fill out a Substance Abuse Report which is attached and incorporated herein as *Exhibit "C"*.

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

An employee may be required to submit to a drug and/or alcohol test consisting of the

compulsory production and submission of breath, urine, or blood for chemical analysis to detect prohibited drug or alcohol usage when his/her department head or supervisor, with the agreement of the Human Resources Manager, has reasonable suspicion that the employee has a prohibited presence of drugs or alcohol in his/her system while on duty or subject to duty. Please note that some employees of the City may be subject to more stringent drug testing policies as required by State or Federal law or department policy.

Reasonable suspicion is defined as a belief based upon objective facts sufficient to lead a reasonable prudent supervisor or department head to suspect that an employee has a prohibited presence of drugs, controlled substances, or alcohol in his/her system so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform his/her job safely is reduced.

Any department head or supervisor requesting an employee to submit to a drug and/or alcohol test shall document in writing the facts constituting reasonable suspicion that the employee in question has a prohibited presence of drugs, controlled substances or alcohol in his/her system.

Prior to the administration of any drug or alcohol testing, the department head or supervisor shall first obtain from the employee to be tested a completed signed Consent for Toxicological Tests, which is attached and incorporated herein as *Exhibit "D"*. Said consent shall provide for the employee's consent in writing to an alcohol or drug test and the release of the test results to the City. Refusal to sign the consent may be considered an insubordinate act resulting in disciplinary proceedings up to and including termination.

Disciplinary action up to and including dismissal, may be taken against an employee for positive results from any drug and/or alcohol test or other conduct in violation of this policy.

1. **Application:** This policy applies to all employees of the City. This policy applies to alcohol and to all substances, drugs or medications, legal or illegal, which could impair an employee's ability to effectively and safely perform the functions of the job.
2. **Employee Assistance:** The City may refer employees who seek help for substance abuse problems to outside agencies who may offer assistance.

Section 6.00

GRIEVANCES

SECTION 6.00 –GRIEVANCES

- 6.10 Purpose.** The purpose of this grievance process is to provide all regular employees the opportunity to settle problems arising in the course of their employment in a fair and orderly fashion if such problems cannot be settled informally. It shall not apply to disciplinary actions.
- 6.20 Application.** This process shall apply to regular employees of the City. Grievances may be brought on behalf of an individual or all members affected.
- 6.30 Time Limits.** All time periods specified herein may be extended by written agreement of the grievant and the City Manager.
- 6.40 Scope.** This process may be used whenever an employee believes he/she has been personally adversely affected by any action taken by his/her supervisor, including but not limited to, the following matters:
- Violation of City policies/employee group Memorandum of Understanding, and/or discrimination prohibited by law.
- 6.50 Informal Resolution of Complaints.** Before filing a grievance, an employee who has a complaint should attempt to resolve the matter through informal discussion with the appropriate supervisor without undue delay. It is the policy of the City to attempt to resolve complaints at the first stage of complaint. Informal resolution shall not constitute the establishment of a "practice", "past-practice" or a modification or interpretation of a Memorandum of Understanding unless it is in writing and approved by the City Manager and the City Attorney.
- 6.60 Grievance Review Process.** A grievance does not exist until reduced to writing and filed at both the First Level of review and with the City Manager. If at any time in the proceedings it is determined that the grievant is not entitled to use the process or the matter grieved is outside the scope of this process, the grievance shall be returned to the grievant with a written explanation and the proceedings shall be terminated.

A. *First Level of Review.*

1. Within seven (7) calendar days after the occurrence of the act or omission giving rise to the grievance, the grievant must present his/her grievance in writing to his/her immediate supervisor. This statement shall be a clear, concise statement of the grievance, the circumstances involved, the decision rendered at the informal conference, and the specific remedy sought.
2. Following the supervisor's review of the grievance, discussion with the employee and consultation with the Department Head, if necessary, the supervisor shall communicate his/her decision to the employee in writing within seven (7) calendar days after receiving the grievance. If the supervisor does not respond within the time limits, the grievant may appeal to the next level.

Within the above time limits, either party may request a personal conference. This meeting is a most effective way to discuss and resolve grievances.

B. *Second Level of Review.*

1. In the event the grievant is not satisfied with the decision at Level 1, he/she may appeal the decision in written form to the next highest or intermediate supervisor within seven (7) calendar days from the receipt of the response from Level 1. This statement should include a copy of the original grievance, the decision rendered, and a clear, concise statement of the reasons for the appeal.
2. The Division Head shall communicate his/her decision within seven (7) calendar days after receiving the appeal. Either the grievant or the Division Head may request a personal conference within the above limits. If the Division Head does not respond within the time limits, the grievant may appeal to the next level.

C. *Third Level of Review.*

1. In the event the grievant is not satisfied with the decision at the Second Level of review, he/she may appeal the decision in a manner similar to the Second Level of review to the Department Head.
2. The Department Head shall communicate his/her decision within seven (7) days after receiving the appeal. If the Department Head does not respond within the time limits, the grievant may appeal to the next level.

D. *Fourth Level of Review.*

1. If the grievant is not satisfied with the decision at the Third Level, he/she may within seven (7) days appeal the decision in written form to the City Manager or his/her designee. This statement shall include a copy of the original grievance and appeal, the decision rendered, and a clear concise statement of the reasons for the appeal.
2. The City Manager or his designee shall communicate his/her decision to the grievant within seven (7) days, unless agreed otherwise. The City Manager or his/her designee will make final determination of all grievances brought before him/her.

6.70 Representation. The employee may request the assistance of another person of his/her own choosing in preparing and presenting his/her appeal at any level of review.

6.80 Access to Information. At each level of review, the grievant shall have access to all the materials comprising the record of the grievance.

6.90 No Reprisals. No employee will be discriminated against in his/her employment because of the employee's utilization of the Grievance Review Process. Complaints regarding allegations of reprisals should be submitted to the City Manager.

6.100 Reconsideration of a Grievance. Once a grievance has been reviewed under this process, it shall not be reopened except by mutual consent of the grievant and the City Manager.

Section 7.00

GENERAL EMPLOYMENT PROVISIONS

SECTION 7.00 -GENERAL EMPLOYMENT PROVISIONS

- 7.10 Yearly Performance Evaluation Process.** All regular employees will receive a yearly evaluation from his/her supervisor. Evaluations may be conducted more than once a year if the supervisor feels it is necessary.

The Performance Evaluation process is a time for open communication between supervisors and employees and will be used for both commendations and disciplinary actions. If an employee disagrees with his/her performance evaluation he/she may attach a letter or make written comments telling why on the evaluation. The employee must still sign the evaluation to acknowledge he/she has seen what was written. The signature does not represent agreement with what the supervisor has written. Supervisors may keep notes all year long to remind them of specific incidents that may be reflected on an employee's evaluation, and have been verbally shared with the employee, as well as the status of his/her performance on an on-going basis.

- 7.20 Residency.** All Police Department personnel shall reside within thirty minutes driving time under normal driving conditions, to the City Police Department.

All Fire Department personnel shall reside within twenty minutes driving time, under normal driving conditions, to the Fire Station.

- 7.30 Personnel Records.** Personnel files are protected by the California Constitutional right to privacy. The City Manager or his/her designee shall retain records necessary to the proper administration of the personnel system and shall be the custodian of personnel records for the City. Employers cannot waive the privacy rights of their employees. An employee, however, can waive his or her right to privacy in a personnel file or consent to release or disclosure of information. An employee may also request that information be provided to a third party, such as prospective employer or educational institution. The City Manager's Office must obtain a written release or authorization in which the employee agrees to hold the agency harmless for any disclosure made to the third party.

- 7.40 Use of Technology.**

A. Personal Communication Devices (PCD) and City Telephones.

1. *Purpose and Scope.* The purpose of this policy is to establish guidelines for the use of City-issued mobile phones and personal communication devices (PCD) and the on-duty use of such devices personally owned by personnel, as well as City telephones.
2. *City-Issued PCD.* Depending on an employee's assignment and needs of the position, the City may, at its discretion, issue a PCD. Such devices shall remain the sole property of the City and shall be subject to inspection or monitoring (including related records) at any time.
3. *Individually Owned PCD.* Employees may carry their own individually-owned PCD while at work subject to the following conditions:

- a. Carrying an individual owned personal communication device is optional.
 - b. The device shall be purchased, used and maintained at the employee's expense.
4. *Use of Personal Communication Devices and City Telephones.* PCDs and City telephones should be used by employees to effectively communicate with other personnel in those situations where the use of the radio is either impractical or not feasible. PCDs may not be used to conduct personal business while at work except when brief personal calls may be warranted by the circumstances (e.g. inform family of extended hours). While employee's may use individually- owned PCDs for personal business during authorized breaks, such usage should be limited as much as practical to areas where the call will not be seen or heard by members of the public.

While the use of City-issued PCDs and personally-owned PCDs at work is limited to official business only, it is recognized that circumstances may occasionally warrant brief personal communications on such devices. An employee who participates in extended or frequent use of City-issued PCDs or personally-owned PCDs while at work for personal use may be subject to discipline and may be responsible for reimbursing the City for any charges incurred as a result of personal use.

5. *Use While Driving.* The use of a PCD while driving can cause unnecessary distractions and presents a negative image to the public. Employees operating emergency vehicles should restrict the use of these devices while driving to matters of an urgent nature and should, where practical, stop the vehicle at an appropriate location to complete their call. Employees who are operating non-emergency vehicles shall not use cellular phones or other personal communication devices while driving (Vehicle Code 23123 (a)), unless a "hands free" device is used that is legally acceptable under State law.

B. Electronic Mail.

1. *Purpose and Scope.* The purpose of this policy is to establish guidelines for the proper use and application of electronic mail (e-mail) by employees of this City. E-mail is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law (e.g., California Public Records Act.) Messages transmitted over the e-mail system must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of the City.
2. *E-mail Right of Privacy.* All e-mail messages transmitted over the computer network are considered City records and, therefore, are the property of the City, which reserves the right to access, audit, and disclose, for whatever reason, all messages

transmitted over its e-mail system or placed into its storage.

The e-mail system is not a confidential system since all communication transmitted on the system are the property of the City. Therefore, the e-mail system is not appropriate for confidential communications. If a communication must be private, an alternative method to communicate the message should be used instead of e-mail. Employees using the City's e-mail system shall have no expectation of privacy concerning communications in the system.

3. *Prohibited Use of E-mail.* Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, and harassing or any other inappropriate messages on the e-mail system is prohibited and will not be tolerated.

E-mail messages addressed to an entire department or the City are only to be used for official business-related items that are of particular interest to all users and must be approved by the Department Head or the City Manager.

It is a violation of this policy to transmit a message under another user's name. Users are strongly encouraged to log off the network when their computer is unattended. This added security measure would prevent the misuse of an individual's e-mail, name and/or password by others.

4. *Management of E-mail.* Because the e-mail system is not designated for long-term retention of messages, e-mail that the employee desires to save or that becomes part of an official record should be printed. Users of e-mail are solely responsible for the management of their mailboxes. Messages should be purged manually by the user at least once per week. All messages in excess of one month will be deleted at regular intervals from the server computer.

C. Computer Use.

1. *Purpose and Scope.* This policy describes the City's computers, software, and systems.
2. *System Inspection or Review.* An employee's supervisor has the express authority to inspect or review the system, any and all temporary or permanent files and related electronic systems or devices, and any contents thereof when such inspection or review is in the ordinary course of his/her supervisory duties, or based on cause.

When requested by an employee's supervisor, or during the course of regular duties requiring such information, a member(s) of the City's information systems staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the system.

Reasons for inspection or review may include, but are not limited to, system malfunctions, problems or general system failure, a lawsuit against the City involving

the employee, or related to the employee's duties, an alleged or suspected violation of City and/or department policy, or a need to perform or provide a service when the employee is unavailable.

3. *City Property.* All Information, data, documents and other entries initiated on any of the City's computers, whether downloaded or transferred from the original City computer, shall remain the exclusive property of the City and shall not be available for personal or non City use without the expressed authorization of an employee's supervisor.
4. *Unauthorized Duplication of Software.* Employees shall not copy or duplicate any copyrighted and/or licensed software except for a single copy for back up purposes. To reduce the risk of personal computer virus infection, employees are not permitted to install personal copies of any software onto the City's computer. If an employee must copy data onto a disk and download it on a non-city computer, the employee shall scan the disk for viruses before reloading the data on a City computer system.

No employee shall knowingly make, acquire, or use unauthorized copies of computer software not licensed to the City while on City premises or on a City computer system. Civil damages, along with criminal penalties including fines and imprisonment, may result from such activity.

5. *Internet Use.* Internet access provided by the City shall be strictly limited to City-related business activities. An internet site containing information that is not appropriate or applicable to City use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, chat rooms and similar or related web sites. Certain exceptions may be permitted with the approval of a supervisor as a function of a work assignment.

Downloaded information shall be limited to messages, mail, and data files. No copyrighted and/or unlicensed software program files may be downloaded.

Employees shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a supervisor.

6. *Protection of City Systems and Files.* All employees have a duty to protect the City's system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the system.

It is expressly prohibited for an employee to allow unauthorized user to access the system at any time or for any reason.

7.50 Administrative Policies. The City Manager or a designated Department Head may issue administrative policies regarding employee conduct and procedures not in conflict with these Personnel Policies and Procedures. The purpose of these policies is to supplement and/or clarify the policies and procedures contained in the Personnel Policies and Procedures. Violations of

Administrative Policies may be grounds for disciplinary action.

7.60 Outside/Secondary Employment.

- A. *Purpose and Scope.* In order to ensure actual or perceived conflicts of interest for City employees engaging in outside or secondary employment are avoided, all employees shall obtain written approval from the City Manager prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the City Manager in accordance with the provisions of this policy.
- B. *Obtaining Approval.* No full time employee of the City may engage in any outside employment without first obtaining prior written approval of the City Manager. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee shall prepare a written outside employment request stating reasons for such a request which shall be submitted to the employee's immediate supervisor. The request will then be forwarded through channels to the City Manager for consideration.

If approved, the employee will be provided with a copy of the approved request. Unless otherwise indicated in writing on the approved request, it will be valid through the end of the calendar year in which the request is approved. Any employee seeking to renew a request shall submit a new written request for outside employment in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the request at the time of the denial. (Penal Code § 70(e) (3)).

- C. *Appeal of Denial of Outside Employment.* If an employee's written request for outside employment is denied or withdrawn by the City, the employee may file a written Notice of Appeal to the City Manager within ten (10) days of the date of denial. The City Manager will make final determination of all appeals brought before him/her and communicate his/her decision to the employee within seven (7) days, unless agreed otherwise.
- D. *Revocation/Suspension of Approved Outside Employment Request.* Any outside employment requests may be revoked or suspended under the following circumstances:
 - 1. Should an employee's performance decline to a point where it is evaluated by a supervisor as "needing improvement" to reach an overall level of competency, the City Manager may, at his or her discretion, revoke any previously approved outside employment requests. That revocation will stand until the employee's performance has been reestablished at a "satisfactory" level and his/her supervisor

- recommends reinstatement of the approved outside employment permit.
2. Suspension or revocation of a previously approved outside employment request may be included as a term or condition of sustained discipline.
 3. If, at any time during the term of a valid approved outside employment request, an employee's conduct or outside employment conflicts with the provisions of City policy, the approved request may be suspended or revoked.
 4. When an employee is unable to perform at a "full duty" capacity due to an injury or other condition, any previously approved outside employment request may be rescinded until the employee has returned to a full duty status.
- E. *Prohibited Outside Employment.* Consistent with the provisions of Government Code § 1126, the City expressly reserves the right to deny any outside employment request submitted by an employee seeking to engage in any activity which:
1. Involves the employee's use of City time, facilities, equipment or supplies, prestige or influence for private gain or advantage.
 2. Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this City for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as an employee of the City.
 3. Involves the performance of an act in other than the employee's capacity as an employee of the City that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of the City.
 4. Involves time demands which would render performance of the employee's duties for the City less efficient.
- F. *City Resources.* Employees are prohibited from using any City equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of the City or other agencies through the use of the employee's position with the City.
- G. *Changes in Outside Employment Status.* If an employee terminates his or her outside employment during the period of an approved valid request, the employee shall promptly submit written notification of such termination to the City Manager. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through regular procedures set forth in this policy.

Employees shall also promptly submit in writing to the City Manager any material

changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

7.70 Vehicle Use.

- A. *Scope of Policy.* All vehicles, whether owned by the City of Reedley, a rental car agency or a City of Reedley employee, used for City business shall be subject to this policy.
- B. *General Provisions.* The following provisions shall apply to use of any motor vehicle for City business:
 - 1. The City shall maintain safe, reliable and economical transportation as required for City employees to conduct City business.
 - 2. No City employee, under any circumstances will operate a City vehicle on a public roadway without being in possession of a valid California Driver's License. It shall be the Department Head's responsibility to verify the current status of the California Driver's License on each potential driver of a City vehicle.
 - 3. City vehicles shall only be used for City-related business, unless otherwise authorized by the City Manager or Department Head.
 - 4. Each City employee who is assigned a City vehicle is responsible for that vehicle being maintained in a clean condition and ensure that routine maintenance and safety checks on that vehicle are conducted in a timely fashion at City cost.
 - 5. City-owned and privately owned vehicles used for City business shall be operated in a manner consistent with all safety and legal requirements of the City of Reedley and State of California.
 - 6. The driver of a motor vehicle used on City business should verify that the vehicle is in good operating condition before embarking on a trip.
 - 7. Costs of repairing damage to City vehicles resulting from willful misconduct or gross negligence by the employee having custody of the vehicle at the time of the damage may be recoverable from the employee at the option of the City.
 - 8. Damage sustained to a personal vehicle while being used for City business may be the responsibility of the employee/owner.
- C. *Policy Modification and Maintenance.* This policy may be amended at the direction of the City Manager. Amendments shall become effective immediately upon approval of the amendment, unless otherwise noted, and shall be included in these Personnel Policies and Procedures.

Situations may occur in which strict application of this policy may be either operationally or economically inefficient or inappropriate. The City Manager and Department Heads shall exercise discretion in taking exception to this policy, but shall have the ability to do so as they deem appropriate.

- D. *Appropriate Usage of Vehicles.* Use of City vehicle by any City employee shall be subject to the following:

City owned vehicle shall not be used to transport any passengers other than authorized City employees on official City business or persons directly related to the official City business being conducted (i.e. speakers, consultants, contractors, other conference attendees, etc.) with the following exceptions:

- Incidental transporting of children to and from child care or school while driving to and from the workplace;
- Transportation of a person or persons in the event of an accident or other emergency;
- Incidental transporting of others in public safety vehicle while responding to an incident from off-duty status.

Exceptions to these usage criteria may be granted by the Department Head or City Manager as appropriate and required.

7.80 Sensitive Information.

The following represents a general summary of the City’s Sensitive Information Policy, a copy of which is attached as Exhibit “E” and is entitled “Sensitive Information Policy and Program,” and is incorporated herein by this reference.

A. Background

The risk to the City, its employees and customers from data loss and identity theft is of significant concern to the City and can only be reduced through the combined efforts of every employee.

B. Purpose

This sensitive information policy is to help protect employees, customers, contractors and the City from damages related to the loss or misuse of sensitive information. This policy will:

- Define sensitive information;
- Describe the physical security of data when it is printed on paper; and
- Describe the electronic security of data when stored and distributed.

This policy enables the City to protect existing customers, reducing risk from identity fraud and minimize potential damage to the City from fraudulent new accounts and will help the City:

- Identify risks that signify potentially fraudulent activity within new or existing covered accounts;
- Detect risks when they occur in covered accounts;
- Respond to risks to determine if fraudulent activity has occurred and act if fraud has been attempted or committed; and
- Update the policy periodically, including reviewing accounts that are covered and identified risks that are subject to this policy.

C. Scope

This policy applies to employees, contractors, consultants, temporary workers, and other workers at the City, including all personnel affiliated with third parties.

D. Policy

1. Definition of Sensitive Information:

This includes, but is not limited to the following items whether stored in electronic or printed format:

a. Personal Information: This includes, but is not limited to the following:

1. Credit card Information, including any of the following:

- Credit Card Number (in part or whole);
- Credit Card Expiration date;
- Cardholder Name; and/or
- Cardholder Address.

2. Tax identification numbers, including:

- Social Security Number;
- Social Insurance Number;
- Business Identification Number; and/or
- Employer Identification Numbers.

3. Payroll information, including, among other information:

- Paychecks;
- Pay stubs; and/or
- Pay rates.

4. Cafeteria Plan Check Requests and associated paperwork.

5. Medical Information for any Employees or Customers, including but not limited to:

- Doctor names and claims;

- Insurance claims;
 - Prescriptions; and/or
 - Any related personal medical information.
6. Other Personal Information belonging to Customers, Employees and Contractors, examples of which include:
- Date of birth;
 - Address;
 - Phone numbers;
 - Maiden name;
 - Names; and/or
 - Customer number.
- b. City Information: Sensitive City information may be subject to disclosure under the California Public Records Act, but accidental or careless disclosure of this information should never occur. This includes, but is not limited to the following:
1. City, employee, customer, vendor, supplier confidential, proprietary information or trade secrets.
 2. Proprietary and/or confidential information, among other things, includes: business methods, customer utilization information, retention information, computer codes, screens, forms, information about, or received from, city's current, former and prospective customers, or suppliers or any other non-public information. Proprietary and/or confidential information may also include the name and identity of any customer or vendor and the specifics of any relationship between and among them and the City.
 3. Any documents marked "Confidential," "Sensitive," "Proprietary," or any documents similarly labeled.
- c. City personnel are encouraged to use common sense judgment in securing the City's confidential information to the proper extent. If an employee is uncertain of the sensitivity of a particular piece of information, he/she should contact his/her supervisor/manager or the City Manager.
2. Hard Copy Distribution. Every employee and contractor performing work for the City will comply with the following policies:
- a. File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with sensitive information will be locked when not in use.
 - b. Storage rooms containing documents with sensitive information and record retention areas will be locked at the end of each workday.

- c. Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing sensitive information when not in use.
 - d. Whiteboards, dry-erase boards, writing tablets, etc. in common shared work areas will be erased, removed, or shredded when not in use.
 - e. When documents containing sensitive information are discarded they will be placed inside a locked shred bin or immediately shredded using a mechanical cross cut or Department of Defense (DOD) approved shredding device. Locked shred bins are labeled “*Confidential paper shredding and recycling*”. If you need any assistance in locating one of the bins, please contact a supervisor/manager.
3. Electronic Distribution. Every employee and contractor performing work for the City will comply with the following policies:
- a. Internally, sensitive information may be transmitted using approved city e-mail. All sensitive information must be encrypted when stored in an electronic format.
 - b. Any sensitive information sent external must be encrypted and password protected and only to approved recipients. Additionally, a statement such as this should be included in the e-mail:

“This message may contain confidential and/or proprietary information, and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited.”

Section 8.00

EXHIBITS

CERTIFICATION OF HEALTH CARE PROVIDER

1. Employee's Name:

2. Patient's Name (If other than employee): -

3. Date medical condition or need for treatment commenced.

[NOTE: THE HEALTH CARE PROVIDER IS NOT TO DISCLOSE THE UNDERLYING DIAGNOSIS WITHOUT THE CONSENT OF THE PATIENT]:

4. Probable duration of medical condition or need for treatment:

5. The attached sheet describes what is meant by a "serious health condition" under both the federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA). Does the patient's condition qualify under any of the categories described? If so, please check the appropriate category.

(1)

(2)

(3)

(4)

(5)

(6)

6. If the certification is for the serious health condition of the employee, please answer the following:

Yes No

Is employee able to perform work of any kind?
(If "No", skip next question.)

Is employee unable to perform any one or more of the essential functions of employee's position? (Answer after reviewing statement from employer of essential functions of employee's position, or, if none provided, after discussing with employee.)

7. If the certification is for the care of the employee's family member, please answer the following:

- | Yes | No | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Does (or will) the patient require assistance for basic medical, hygiene, nutritional needs, safety or transportation? |
| <input type="checkbox"/> | <input type="checkbox"/> | After review of the employee's signed statement (See Item 10 below), does the condition warrant the participation of the employee? (This participation may include psychological comfort and/or arranging for third-party care for the family member.) |

8. Estimate the period of time care needed or during which the employee's presence would be beneficial: -

9. Please answer the following question only if the employee is asking for intermittent leave or a reduced work schedule.

- | Yes | No | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Is it medically necessary for the employee to be off work on an intermittent basis or to work less than the employee's normal work schedule in order to deal with the serious health condition of the employee or family member? |

If the answer to 9 is yes, please indicate the estimated number of doctor's visits, and/or estimated duration of medical treatment, either by the health care practitioner or another provider of health services, upon referral from the health care provider.

Frequency: _____ timer per _____ week(s) _____ month(s)

Duration: _____ hours or _____ day(s) per episode

ITEM 10 TO BE COMPLETED BY THE EMPLOYEE NEEDING FAMILY LEAVE

TO BE PROVIDED TO THE HEALTH CARE PROVIDER UNDER SEPARATE COVER

10. When family care leave is needed to care for a seriously-ill family member, the employee shall state the care he or she will provide and an estimate of the time period during which this care will be provided, including a schedule if leave is to be taken intermittently or on a reduced work schedule:

11. Signature of health care provider:

Date: _____

12. Signature of Employee:

Date: _____

* * * * *
*

Serious Health Condition

A “Serious Health Condition: means an illness, injury, impairment, or physical or mental condition that involves one of the following:

1. **Hospital Care:** Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.
2. **Absence Plus Treatment:**
 - (a) A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:
 - (1) Treatment two or more times by a health care provider, by a nurse or physician’s assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or,
 - (2) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
3. **Pregnancy:** Any period of incapacity due to pregnancy, or for prenatal care. [**NOTE:** An employee’s own incapacity due to pregnancy is covered as a serious health condition under FMLA but not under CFRA.]
4. **Chronic Conditions Requiring Treatment:** A chronic condition which:
 - (1) Requires periodic visits for treatment by a health care provider, or by a nurse or physician’s assistant under direct supervision of a health care provider
 - (2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and,
 - (3) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
5. **Permanent/Long-term Conditions Requiring Supervision:** A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer’s a severe stroke, or the terminal stages of a disease.
6. **Multiple Treatment (Non-Chronic Conditions):** Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under order of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.) severe arthritis (physical therapy), kidney disease (dialysis).

EXHIBIT “B”

HARASSMENT COMPLAINT PROCEDURE

To: All Employees

Subject: Harassment Complaint Procedure

As your employer, the City of Reedley has adopted a firm policy against harassment of any kind, including because of sex, which includes sexual harassment, gender harassment and harassment due to pregnancy, childbirth or related medical condition. Every reasonable step will be taken to prevent harassment from occurring. However if you believe that you have been unlawfully harassed, we urge you to report the incident immediately and according to the following procedure so that your complaint can be resolved quickly and fairly:

- When possible, confront the harasser, state that the conduct is unacceptable, and ask him/her to stop.
- If the harasser does not stop, provide a written complaint to your own supervisor, department head, or the Human Resources Manager as soon as possible after the incident. Include details on the incident(s), names of individuals involved and the names of any witnesses.
- Supervisors will refer all harassment complaints to the Human Resources Manager. The Human Resources Manager will immediately undertake a thorough and objective investigations of the harassment allegations.
- If the City determines that unlawful harassment has occurred, it will take immediate remedial action in accordance with the circumstances. Any employee the City determines to be responsible for unlawful harassment will be subject to appropriate disciplinary action, up to and including termination.
- Whatever action the City takes against the harasser will be made known to the employee lodging the complaint. If the employee complaining of harassment has sustained any change in employment status as a result of the harassment, the City will investigate and take appropriate remedial action.
- The City will not retaliate against an employee for filing a complaint and will not tolerate or permit retaliation by management, other employees or co-workers.

If you have any questions about the City's policy against harassment or the procedure for filing complaints, please contact your supervisor or Department Head.

EXHIBIT "C"

SUBSTANCE ABUSE REPORT

DATE: _____

Name & Position Title of Suspected Offender: _____

Date of Incident(s) _____

Time of Incident(s) _____

OBSERVATIONS:

OTHER PERTINENT FACTS:

WITNESSES:

PRESCRIPTION INFORMATION:

Date of Rx _____

Name of Rx _____

Patient Name: _____

Dosage Prescribed: _____

Dr.'s Name: _____

Dosage Remaining: _____

Supervisor Signature

Date

Department Head Signature

Date

EXHIBIT "D"

CONSENT FOR TOXICOLOGICAL TESTS

_____	_____	_____
(Name)	(Position)	(Department)
_____	_____	_____
(Social Security Number)	(Age)	(Home Address)

(Home Telephone Number)		

I hereby consent and agree to give a specimen of my urine to the City of Reedley or any medical facility, laboratory, or medical person designated by the City of Reedley. This specimen shall be used to detect the presence of drugs, alcohol, or medications in my body. I further consent and agree that upon request of the City of Reedley, the laboratory results of any tests performed on such specimen shall be furnished to the City of Reedley by the facility chosen by the City of Reedley. I understand that I will be notified in writing of the test results within five days of the test confirmation. After receiving written notification of a confirmed positive drug test, I understand that I will be allowed 24 hours to provide an explanation of the presence of intoxicating substances found in my system. I understand that a confirmed positive test could result in disciplinary action up to and including termination. I acknowledge that I may appeal a confirmed positive test and any subsequent disciplinary action imposed on me per the established grievance procedure.

My signature below acknowledges that I have read and understand the foregoing statement and have answered all questions truthfully and voluntarily.

_____	_____
Employee Signature	Date
_____	_____
Home Telephone Number	Office Telephone Number
_____	_____
Witness Signature	Date

EXHIBIT “E”

CITY OF REEDLEY SENSITIVE INFORMATION POLICY AND PROGRAM

1. Background

The risk to the city, its employees and customers from data loss and identity theft is of significant concern to the city and can only be reduced through the combined efforts of every employee.

2. Purpose

The city adopts this sensitive information policy to help protect employees, customers, contractors and the city from damages related to the loss or misuse of sensitive information. This policy will:

- Define sensitive information
- Describe the physical security of data when it is printed on paper
- Describe the electronic security of data when stored and distributed

Putting the Identity Theft Prevention Program in place enables the city to protect existing customers, reducing risk from identity fraud and minimize potential damage to the city from fraudulent new accounts. The program will help the city:

- Identify risks that signify potentially fraudulent activity within new or existing covered accounts
- Detect risks when they occur in covered accounts
- Respond to risks to determine if fraudulent activity has occurred and act if fraud has been attempted or committed
- Update the program periodically, including reviewing accounts that are covered and identified risks that are part of the program

3. Scope

This policy and protection program apply to employees, contractors, consultants, temporary workers, and other workers at the city, including all personnel affiliated with third parties.

4. Policy

4.1. Sensitive Information Policy

4.1.1. Definition of Sensitive Information

Sensitive information includes the following items whether stored in electronic or printed format

4.111. Personal Information – Sensitive information consists of personal

information including, but not limited to:

4.111.1. Credit Card Information, including any of the following:

- Credit Card Number (in part or whole)
- Credit Card Expiration Date
- Cardholder Name
- Cardholder Address

4.111.2. Tax Identification Numbers, including:

- Social Security Number
- Social Insurance Number
- Business Identification Number
- Employer Identification Numbers

4.111.3. Payroll information, including, among other Information:

- Paychecks
- Pay stubs
- Pay rates

4.111.4. Cafeteria Plan Check Requests and associated paperwork

4.111.5. Medical Information for any Employees or Customers, including but not limited to:

- Doctor Names and claims
- Insurance claims
- Prescriptions
- Any related personal medical information

4.111.6. Other Personal Information belonging to Customers; Employees and Contractors, examples of which include:

- Date of Birth
- Address
- Phone Numbers
- Maiden Name
- Names
- Customer Number

4.112. City Information – Sensitive city information may be subject to disclosure under the California Public Records Act, but accidental or careless disclosure of this information should never occur:

4.1.1.2.1. City, employee, customer, vendor, supplier confidential, proprietary information or trade secrets.

4.1.1.2.2. Proprietary and/or confidential information, among other things, includes: business methods, customer utilization information, retention

information, computer codes, screens, forms, information about, or received from, city's current, former and prospective customers, or suppliers or any other non-public information. Proprietary and/or confidential information may also include the name and identity of any customer or vendor and the specifics of any relationship between and among them and the city.

4.113. Any document marked "Confidential," "Sensitive," "Proprietary," or any document similarly labeled.

4.114. City personnel are encouraged to use common sense judgment in securing the city's confidential information to the proper extent. If an employee is uncertain of the sensitivity of a particular piece of information, he/she should contact his/her supervisor/manager or the City Manager.

4.1.2. Hard Copy Distribution

Every employee and contractor performing work for the city will comply with the following policies:

4.1.1.1. File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with sensitive information will be locked when not in use.

4.1.1.2. Storage rooms containing documents with sensitive information and record retention areas will be locked at the end of each workday.

4.1.1.3. Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing sensitive information when not in use.

4.1.1.4. Whiteboards, dry-erase boards, writing tablets, etc. in common shared work areas will be erased, removed, or shredded when not in use.

4.1.1.5. When documents containing sensitive information are discarded they will be placed inside a locked shred bin or immediately shredded using a mechanical cross cut or Department of Defense (DOD) approved shredding device. Locked shred bins are labeled "Confidential paper shredding and recycling". If you need any assistance in locating one of these bins, please contact a supervisor/manager.

4.1.3. Electronic Distribution

Every employee and contractor performing work for the city will comply with the following policies:

4.1.3.1. Internally, sensitive information may be transmitted using approved city email. All sensitive information must be encrypted when stored in an electronic format.

4.1.3.2. Any sensitive information sent external must be encrypted and password protected and only to approved recipients. Additionally, a statement such as this should be included in the email,

“This message may contain confidential and/or proprietary information, and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited.”

4.2. Additional Identity Theft Prevention Program

If the city maintains certain covered accounts pursuant to federal legislation, the city may include the additional program details. The Red Flags in 4.2.2. may be tailored to the specific city’s needs.

4.2.1 Covered Accounts

Every new and existing customer account that meets the following criteria is covered by this program.

4.2.1.1. Business, personal and household accounts for which there is a reasonably foreseeable risk of identity theft.

4.2.1.2. Business, personal and household accounts for which there is a reasonably foreseeable risk to the safety and/or soundness of the city from identity theft, including financial, operational, compliance, reputation, or litigation risks.

4.2.2. Red Flags

The following ‘Red Flags’ are potential indicators of fraud and any time when a Red Flag, or a situation closely resembling a Red Flag, is apparent, it should be investigated for verification.

4.2.2.1. Alerts, Notifications or Warnings from a Consumer Reporting Agency

4.2.2.1.1. A fraud or active duty alert is included with a consumer report.

4.2.2.1.2. A consumer reporting agency provides a notice of credit freeze in response to a request for a consumer report.

4.2.2.1.3. A consumer reporting agency provides a notice of address discrepancy, as defined in §334.82(b) of this part.

4.2.2.1.4. A consumer report indicates a pattern of activity that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:

- A recent and significant increase in the volume of inquiries
- An unusual number of recently established credit relationships

- A material change in the use of credit, especially with respect to recently established credit relationships
- An account that was closed for cause or identified for abuse of account privileges by the city.

4.2.2.2. Suspicious Documents

4.2.2.2.1. Documents provided for identification appear to have been altered or forged.

4.2.2.2.2. The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.

4.2.2.2.3. Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.

4.2.2.2.4. Other information on the identification is not consistent with readily accessible information that is on file with the financial institution or creditor, such as a signature card or a recent check.

4.2.2.2.5. An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

4.2.2.3. Suspicious Personal Identifying Information

4.2.2.3.1. Personal identifying information provided is inconsistent when compared against external information sources used by the financial institution or creditor. For example:

- The address does not match any address in the consumer report
- The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File

4.2.2.3.2. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer. For example, there is a lack of correlation between the SSN range and date of birth.

4.2.2.3.3. Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the city. For example:

- The address on an application is the same as the address provided on a fraudulent application

4.2.2.3.4. Personal identifying information provided is of a type commonly

associated with fraudulent activity as indicated by internal or third-party sources used by the city. For example:

- The address on an application is fictitious, a mail drop, or prison
- The phone number is invalid, or is associated with a pager or answering service

4.2.2.3.5. The SSN provided is the same as that submitted by other persons opening an account or other customers.

4.2.2.3.6. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of other persons opening accounts or other customers.

4.2.2.3.7. The person opening the covered account or the customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.

4.2.2.3.8. Personal identifying information provided is not consistent with personal identifying information that is on file with the city.

4.2.2.3.9. If the city uses challenge questions, the person opening the covered account or the customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

4.2.2.4. Unusual Use of, or Suspicious Activity Related to, the Covered Account

4.2.2.4.1. Shortly following the notice of a change of address for a covered account, the city receives a request for new, additional, or replacement cards or a cell phone, or for the addition of authorizes users on the account.

4.2.2.4.2. A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example:

- The majority of available credit is used for cash advances or merchandise that is easily convertible to cash (e.g., electronics equipment or jewelry)
- The customer fails to make the first payment or makes an initial payment but no subsequent payments

4.2.2.4.3. A covered account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:

- Nonpayment when there is no history of late or missed payments:
- A material increase in the use of available credit
- A material change in purchasing or spending patterns in connection with a deposit account
- A material change in telephone call patterns in connection with a cellular phone account

4.2.2.4.4. A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).

4.2.2.4.5. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's covered account.

4.2.2.4.6. The city is notified of unauthorized charges or transactions in connection with a customer's covered account.

4.2.2.4.7. The city is notified of unauthorized charges or transactions in connection with a customer's covered account.

4.2.2.5. Notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts held by the city.

4.2.2.5.1. The city is notified by a customer, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.

4.2.3. Responding to Red Flags

Once potentially fraudulent activity is detected, it is essential to act quickly as a rapid appropriate response can protect customers and the city from damages and loss.

4.2.3.1. Once potentially fraudulent activity is detected, gather all related documentation and write a description of the situation. Take this information and present it to the designated authority for determination.

4.2.3.2. The designated program representative will complete additional authentication to determine whether the attempted transaction was fraudulent or authentic.

4.2.3.3. If a transaction is determined to be fraudulent, appropriate actions must be taken immediately. Actions may include:

- Cancel the transaction
- Notify and cooperate with appropriate law enforcement
- Determine extent of liability to the city.
- Notify actual customer that fraud has been attempted

4.2.4. Periodic Updates to Plan

4.2.4.1. At periodic intervals established in the program, or as required, the program will be re-evaluated to determine whether all aspects of the program are up to date and applicable in the current business environment.

4.2.4.2. Periodic reviews will include an assessment of which accounts are covered by the program.

4.2.4.3. As part of the review, Red Flags may be revised, replaced or eliminated. New Red Flags may also be appropriate.

4.2.4.4. Actions to take in the event that fraudulent activity is discovered may also require revisions to reduce damage to the city and its customers.

4.2.5. Program Administration

4.2.5.1. Involvement of Senior Management

4.2.5.1.1. The Identity Theft Prevention Program shall not be operated as an extension to existing fraud prevention programs and its importance warrants the highest level of attention.

4.2.5.1.2. The Identity Theft Prevention Program is the responsibility of the City Manager. Approval of the initial plan must be appropriately documented and maintained.

4.2.5.1.1. Operational responsibility of the program can be delegated to a designated employee by the City Manager.

4.2.5.2. Staff Training

4.2.5.2.1. Staff training shall be conducted for all employees, contractors for whom it is reasonably foreseeable that they may come into contact with accounts or Personally Identifiable Information which may constitute a risk to the city or its customers.

4.2.5.2.2. Staff members shall continue to receive training as required as changes to the program are made to ensure maximum effectiveness of the program.

4.2.5.3. Oversight of Service Provider arrangements

4.2.5.3.1. It is the responsibility of the city to ensure that the activities of all outside service Providers are conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft.

4.2.5.3.2. An outside Service Provider that maintains its own Identify Theft Prevention Program, consistent with the guidance of the Red Flag Rules and validated by appropriate due diligence, may be considered to be meeting these requirements.

4.2.5.3.3. Any specific requirements should be specifically addressed in the appropriate contract arrangements.

5. Roles and Responsibilities

Management will have the responsibility to adopt, implement and enforce this policy and ensure that it is followed by employees and contractors. Additional responsibilities regarding the operation of the Identity Theft Prevention Program may be outlined above or as listed in additional written guidance.

6. Definitions

Encryption The translation of data into a secret code. Encryption is the most effective way to achieve data security. To read an encrypted file, you must have access to a secret key or password that enabled you to decrypt it. Unencrypted data is called plain text.

Hard Copy A printout of data stored in a computer. It is considered *hard* because it exists physically on paper, whereas a *soft* copy exists only electronically.

Service Provider Any person or entity that maintains, processes, or otherwise is permitted access to customer information or consumer information through the provision of services directly to the city.

7. Enforcement

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

**EMPLOYEE ACKNOWLEDGMENT REGARDING
THE CITY OF REEDLEY'S PERSONNEL POLICIES AND PROCEDURES**

I acknowledge that I have received a copy of the City of Reedley's Personnel Policies and Procedures Manual and it is my responsibility to read, understand, and abide by these Policies and Procedures as part of my employment with the City of Reedley.

I further acknowledge and agree that the City of Reedley's Personnel Policies and Procedures do not create an expressed or implied contract between the City and me regarding the terms and conditions of my employment with the City of Reedley.

Printed Name of Employee

Signature of Employee

Date

Printed Name of HR Manager

Signature of HR Manager

Date