

CITY OF HALF MOON BAY
PERSONNEL RULES

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RULE I. DEFINITION OF TERMS

The terms used in these rules shall have the meanings as defined below:

1. Advancement - A salary increase within the limits of a pay range established for a class.
2. Allocation - The assignment of a single position to its proper class in accordance with the duties performed and the authority and responsibilities exercised.
3. Appointing Authority - The officers of the City who, in their individual capacities, or as a body, have the final authority to make the appointment to the position to be filled.
4. Board - The Personnel Board established in pursuance of the ordinance creating a personnel system for the City.
5. Class - All positions sufficiently similar in duties, authority and responsibility to permit grouping under a common title in the application with equity of common standards of selection, transfer, demotion and salary.
6. Competitive Service - All positions of employment in the service of the City, except those excluded by the personnel ordinance.
7. Days - Calendar days unless otherwise stated.
8. Demotion - The movement of an employee from one class to another class having a lower maximum base rate of pay.
9. Disciplinary Action - The discharge, demotion, reduction in pay or suspension of a regular employee for punitive reasons and not for any non-punitive reasons.
10. Eligible - A person whose name is on an employment list.
11. Employment List - A list of names of persons who may be considered for employment with the City under specific conditions.

12. Examination - Selection techniques used to measure the relative capacities of the persons applying for positions within the competitive service or to measure the qualifications of an employee to be promoted.
13. Layoff - The separation of employees from the active work force due to lack of work or funds, or to the abolition of positions by the City Council for the above reasons or due to organization changes.
14. Personnel Ordinance - Ordinance No. _____ which creates a personnel system for the City.
15. Position - A group of duties and responsibilities in the competitive service requiring the full-time or part-time employment of one person.
16. Probationary Period - A working test period during which an employee is required to demonstrate his/her fitness for the position to which he/she is appointed by the actual performance of the duties of the position.
17. Promotion - The movement of an employee from one class to another class having a higher maximum base rate of pay.
18. Provisional Appointment - An appointment of a person who possesses the minimum qualifications established for a particular class to a position in that class in the absence of available eligibles.
19. Regular Employee - A full-time employee who has successfully completed a probationary period of employment with the City.
20. Reinstatement - The reappointment to a position in the same or comparable class, without examination, of a probationary or regular employee within twenty-four (24) months after he or she left City employment in good standing.
21. Relief of Duty - The temporary assignment of an employee to a status of leave with pay.
22. Suspension - The temporary separation from service of an employee without pay for disciplinary purposes.

23. Temporary Employee - An employee who is appointed to a nonregular position funded under a temporary or part-time salary account in the current adopted budget.
24. Transfer - A change of an employee from one position to another position in the same class or in a comparable class.

RULE II. GENERAL PROVISIONS

SECTION 1. 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 Personnel officer, is not justifiably linked to successful job performance.

RULE III. POSITION CLASSIFICATION

SECTION 1. Preparation of Plan:

The Personnel Officer shall be responsible for the preparation and maintenance of a position classification plan. The plan shall consist of classes of positions in the competitive service defined by class specifications. The plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority and character of work are included within the same class, and that the same schedules of *compensation may* be made to apply with equity under similar working conditions to all positions in the same class.

SECTION 2. Adoption and Revision of Plan

The classification plan shall be adopted by the City Council and may be amended from time to time. During the process of consideration, any recognized employee organization affected shall be advised. Amendments and revisions of the plan may be suggested by any interested party, including any recognized employee organization, and shall be submitted to the Personnel officer. Amendments and revisions to the plan are subject to the meet and confer process.

SECTION 3. Reclassification

Positions, the assigned duties of which have been materially changed by the City so as to necessitate reclassification, whether new or already created, shall be allocated by the Personnel Officer to a more appropriate class. Reclassifications shall not be used for the purpose of avoiding restrictions concerning demotions and promotions, nor to effect a change in salary in the absence of a significant change in assigned duties and responsibilities. Reclassifications are subject to the meet and confer process.

RULE IV. RECRUITMENT PROCEDURES

SECTION 1. Announcement

All examinations for classes in the competitive service shall be publicized by such methods as the Personnel Officer deems appropriate. Special recruiting shall be conducted, if necessary, to ensure that all segments of the community are aware of the forthcoming examinations. The announcements shall specify the title and pay of the class for which the examination is announced, the nature of the work to be performed, preparation desirable for the performance of the work of the class, the manner of making application and other pertinent information.

SECTION 2. Application Process

Applications shall be made as prescribed on the examination announcement. Application forms shall require information covering training, experience and other pertinent information, and may include certificates of one or more examining physicians, references and fingerprints. All applications must be signed by the person applying.

SECTION 3. Disqualification

The Personnel Officer may reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position. Applications may be rejected if the application indicates facts that show that the applicant is physically or psychologically unable to perform the job applied for and no reasonable accommodation can be made for such disability; is addicted to the habitual excessive use of drugs or intoxicating liquor; or has made any false statement of any material fact or practiced any

deception or fraud in an application. Whenever an application is rejected, notice of such rejection shall be mailed to the applicant by the Personnel Officer. Defective applications may be returned to the applicant with notice to amend the same, providing the time limit for receiving applications has not expired.

SECTION 4. Criminal Conduct

Ineligibility For Employment: Conviction, including pleas of guilty and nolo contendere, of a felony shall be prima facie disqualification of an application for employment; provided, however, that the appointing authority may disregard such conviction if it is found and determined by such appointing authority that mitigating circumstances exist. In making such determination, the appointing authority shall consider the following factors:

- (a) The classification, including sensitivity, for which the person is applying or being certified and whether the classification is unrelated to the conviction;
- (b) The nature and seriousness of the offense;
- (c) The circumstances surrounding the conviction;
- (d) The length of time elapsed since the conviction;
- (e) The age of the person at the time of conviction;
- (f) The presence or absence of rehabilitation or efforts at rehabilitation;
- (g) Contributing social or environmental conditions.

An applicant who is disqualified for employment under this section may appeal the determination of disqualification. Such appeal shall be in writing and filed with the City Manager within ten (10) days of the date of the notice of disqualification. The City Manager shall hear and determine the appeal within ninety (90) days after it is filed. The determination of the City Manager on the appeal is final.

Notwithstanding the foregoing, an applicant for a peace officer position shall be disqualified, without right of appeal, from employment if the applicant shall have been convicted of a felony.

RULE V. EXAMINATIONS

SECTION 1. Examination Process

The selection techniques used in the examination process shall be impartial and relate to those subjects which, in the opinion of the Personnel Officer, fairly measure the relative capacities of the persons examined to execute the duties and responsibilities of the class to which they seek to be appointed. Examinations shall consist of selection techniques which will test fairly the qualifications of candidates such as, but not necessarily limited to, achievement and aptitude tests, other written tests, personal interviews, performance tests, physical agility tests, evaluations of daily work performance, work samples, medical tests, psychological tests, successful completion of prescribed training, or any combination of these or other tests. The probationary period shall be considered as a portion of the examination process. Examinations shall be designed to provide equal opportunity to all candidates by being based on an analysis of the essential requirements of the class, covering only factors related to such requirements.

SECTION 2. Notification of Examination Results and Review of Papers

Each candidate in an examination shall be given notice of the results thereof, and if successful, of the final earned score and/or rank on the employment list.

All candidates shall have the right to inspect their own test answer sheet within five working days after the notifications of examination results. Any error in computation, if called to the attention of the Personnel Officer within this period, shall be corrected. Such corrections shall not, however, require invalidation of appointments previously made.

RULE VI. EMPLOYMENT LISTS

SECTION 1. Responsibility For

As soon as possible after the completion of an examination, the Personnel Officer shall prepare and maintain an employment list consisting of the names of candidates who qualified in the examination.

SECTION 2. Duration

Employment lists shall remain in effect until exhausted or abolished by the Personnel Officer.

SECTION 3. Removal of Names

The name of any person appearing on an employment or reemployment list shall be removed by the Personnel Officer if the eligible requests, in writing, that the name be removed or if the eligible fails to respond to a notice of certification mailed to the last designated address. The person affected shall be notified of the removal of the name by a notice mailed to the last known address.

RULE VII. METHODS OF FILLING VACANCIES

SECTION 1. Types of Appointments

All vacancies in the competitive service shall be filled by transfer, promotion, demotion, re employment, reinstatement or appointment from an eligible list, at the discretion of the appointing authority. In the absence of persons eligible for appointment in these ways, provisional appointments may be made in accordance with these personnel rules.

SECTION 2. Transfer

Upon notice to the Personnel Officer, an employee may be transferred by the appointing authority at any time from one position to another position in a comparable class. For transfer purposes, a comparable class is one with the same maximum salary, involves the performance of similar duties and requires substantially the same basic qualifications. No person shall be transferred to a position for which that person does not possess the minimum qualifications.

If the transfer involves a change from one department to another, both department heads must consent thereto unless the City Manager orders the transfer. Transfer shall not be used to effectuate a promotion, demotion, advancement or reduction, each of which may be accomplished only as provided in the Personnel Ordinance or these Rules.

SECTION 3. Demotion

The appointing authority may demote an employee whose ability to perform the required duties falls below standard, or for disciplinary purposes. Upon request of the employee, and with the consent of the appointing authority, demotion may be made to a vacant position. No employee shall be demoted to a position for which he/she does not possess the minimum qualifications. Disciplinary demotion action shall be in accordance with Rule XI hereof.

SECTION 4. Reemployment

With the approval of the appointing authority, a former employee with a satisfactory employment record with the City may be reemployed within twelve (12) months of the effective date of a resignation, to a vacant position in the same or comparable classification formerly occupied by the employee. Upon reemployment, an employee shall be credited with all previously earned seniority and merit increases and shall not be required to serve a probationary period.

SECTION 5. Reinstatement

Employees laid off or demoted in lieu of layoff shall have their names placed on a reinstatement list for their former classification. Such employees shall be offered the opportunity to be reappointed to their former classification only if a vacancy in such classification occurs within twelve (12) months of the effective date of their layoff or demotion in lieu of layoff. This reappointment opportunity shall be offered to employees in the reverse order of their layoff or demotion in lieu of layoff.

Upon reinstatement, the employee shall be subject to the probationary period prescribed for the class. No credit for former employment shall be granted in computing salary, vacation, sick leave or other benefits except on the specific recommendation of the appointing authority at time of reinstatement.

SECTION 6. Certification of Eligibles

If the appointing authority does not consider it in the City's best interest to fill the vacancy by reinstatement, transfer or demotion, or if it is not possible to fill the vacancy by reemployment, certification shall be made from an appropriate employment list, provided eligibles are available.

When the appointing authority requests a vacancy be filled by appointment from an employment list, the Personnel Officer should certify from the specified list the names of all individuals willing to accept appointment. Whenever there are fewer than three names of individuals willing to accept appointment on an employment list, the appointing authority may make an appointment from among such eligibles or may request the Personnel Officer to establish a new list. When so requested, the Personnel Officer shall hold a new examination and establish a new employment list.

SECTION 7. Appointment

After interview and investigation, the appointing authority shall take appointments from among those certified and shall immediately notify the Personnel Officer of the person appointed. The person accepting appointment shall report to the Personnel Officer, or the Personnel officer's designated representative, for processing on or before the date of appointment. If the applicant accepts the appointment and reports for duty within such period of time as the appointing authority shall prescribe, the applicant shall be deemed to be appointed; otherwise, the applicant shall be deemed to have declined the appointment.

SECTION 8. Provisional Appointment

In the absence of there being names of individuals willing to accept appointment from appropriate employment lists, a provisional appointment may be made by the appointing authority of a person meeting the minimum training and experience qualifications for the position. Such an appointment may be made during the period of suspension of an employee or pending final action on proceedings to review suspension, demotion or discharge of an employee, and such vacancy may be filled by the appointing authority subject to the provisions of the Personnel ordinance and these personnel rules. A provisional employee may be removed at any time without the right of appeal or hearing. No provisional appointment shall exceed six (6) months.

A provisional appointee shall accrue the same benefits as probationary employees. If a provisional appointee is selected for a full-time position with the City, the time served as a provisional appointee shall be counted as time toward the fulfillment of the required probationary period.

No special credit shall be allowed in meeting any qualifications or in the giving of any test or the establishment of any eligibility lists for service rendered under a provisional appointment.

ROLE VIII. PROBATIONARY PERIOD

SECTION 1. Requirement For

All original and promotional appointments shall be tentative and subject to a probationary period of not less than six (6) months and three (3) months actual service, respectively, beginning on the effective date of appointment. Sworn police personnel shall serve a probationary period of not less than twelve (12) months for both original and promotional appointments.

SECTION 2. Objective

The probationary period shall be regarded as a part of the selection process and shall be utilized for closely observing the employee's work and for securing the most effective adjustment of a new employee to his/her position.

SECTION 3. Extension of Probationary Period

The appointing authority may extend a probationary period up to six (6) additional months; three (3) months for sworn police personnel.

SECTION 4. Rejection of Probationer

During the probationary period, an employee may be rejected at any time by the appointing authority without cause and without the right of appeal. Notification of rejection by the appointing authority shall be served on the probationer.

SECTION 5. Rejection Following Promotion

Any employee rejected during or at the conclusion of the probationary period following a promotional appointment shall be reinstated to the position from which the employee was promoted.

RULE IX. PERFORMANCE EVALUATION PROCEDURES

SECTION 1. Purpose of Performance Report

The department director shall be responsible for the evaluation of the work performance of an employee. The appointing authority or department director may use the performance evaluation report to promote or train an employee or as a basis for disciplinary action. The department director shall use only job related factors to evaluate an employee's work performance.

SECTION 2. Preparation of Performance Report

During the probationary period, the probationary employee or promotional appointee shall be evaluated every ninety (90) days. Probationary employees or promotional appointees shall be evaluated six (6) months after acquiring regular status in a classification and thereafter every twelve (12) months. Sworn police personnel shall be evaluated twelve (12) months after acquiring regular status and every twelve (12) months thereafter. An employee may also be evaluated at any time at the discretion of the department director.

RULE X. COMPENSATION PROCEDURES

SECTION 1. Starting Salary

Upon appointment, an individual shall be paid the minimum rate in the pay range established for that classification, provided however that the Personnel Officer may approve a starting salary above the minimum if in his/her opinion the appointee's experience and/or employment market conditions warrant such action.

SECTION 2. Advancement

Employees become eligible for salary advancements upon successful completion of their first twelve (12) months of service and each twelve (12) month period thereafter. Such advancements shall be contingent on satisfactory work performance. When an employee demonstrates superior work performance, he/she may receive a salary advancement without regard to the length of service provisions cited above with approval of the Personnel Officer.

RULE XI. DISCIPLINARY PROCEDURES

SECTION 1. Disciplinary Action and Causes Therefore

Disciplinary action consists of discharge, involuntary demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment. Discipline will not be imposed except upon a showing of cause which may include but shall not be limited to the following:

- (a) Violation of administrative policies and procedures;
- (b) Failure to properly perform assigned duties;
- (c) Theft of City property;
- (d) Insubordination;
- (e) Conviction of a felony, or conviction of a misdemeanor relating to the employee's fitness to perform assigned duties;
- (f) Unauthorized absence from employment;
- (g) Tardiness;
- (h) Failure to maintain satisfactory working relationships with other employees or the public;
- (i) Reporting for work, or being at work, under the influence of or in possession of alcohol or nonprescribed controlled substances;
- (j) Improper use of City funds;
- (k) Unauthorized use of City property;
- (l) Failure to properly care for City property;
- (m) Misstatement of material fact;
- (n) Failure to maintain any employment qualification;
- (o) Failure to comply with safety standards;

- (p) Other failure of good behavior either during or outside of employment such that the employee's conduct causes discredit to the City.

SECTION 2. Disciplining Authority

The department director shall have the responsibility to institute disciplinary action, to schedule and conduct any predisciplinary conference and to recommend the imposition of disciplinary action.

SEC. 3. Notice..of Discipline: Prior to recommending the imposition of any disciplinary action, the department director shall notify the employee, in writing, of the nature of the proposed disciplinary action and its proposed effective date, the reason for the proposed disciplinary action, any specific charges against the employee, the employee's right to receive copies of the written documents and materials upon which the proposed disciplinary action is based and the employee's right to respond to the charge, either orally or in writing. ,

SEC. 4. Representation: If an employee requests or is required to meet with a department director or supervisor and such meeting involves the possible imposition of disciplinary action against the employee, the employee, upon request, shall be entitled to have one representative present at such meeting.

SECTION 3. Notice of Discipline

Prior to recommending the imposition of any disciplinary action, the department director shall notify the employee, in writing, of the nature of the proposed disciplinary action and its proposed effective date, the reason for the proposed disciplinary action, any specific charges against the employee, the employee's right to receive copies of the written documents and materials upon which the proposed disciplinary action is based and the employee's right to respond to the charge, either orally or in writing.

SECTION 4. Representation

If an employee requests or is required to meet with a department director or supervisor and such meeting involves the possible imposition of disciplinary action against the employee, the employee, upon request, shall be entitled to have one representative present at such meeting.

SECTION 5. Emergency Suspension

When a department director determines that an employee's conduct threatens or has caused injury to persons or property, the department director may impose a suspension with pay against the employee, effective immediately, until a predisciplinary conference is conducted pursuant to the personnel rules. The imposition of an emergency suspension against an employee does not preclude the department director from proposing a more severe disciplinary action against such employee receiving an emergency suspension. Within three (3) working days of such emergency suspension, the department director shall notify the employee, in writing, of the nature of any proposed disciplinary action, the reason for the disciplinary action, any specific charge against the employee, the employee's right to receive copies of the documents and materials upon which the disciplinary action is based and the employee's right to respond to the charge, either orally or in writing. The department director, unless otherwise requested by the employee, shall conduct a disciplinary conference in not less than ten (10) days after the effective date of the emergency suspension.

RULE XII. APPEAL PROCEDURES

SECTION 1. Request for Disciplinary Hearing

Employees shall have the right to appeal the imposition of disciplinary action by requesting a hearing before an advisory arbitrator. Any such request shall be in writing, signed by the employee or representative, and presented to the Personnel Officer within ten (10) days after the effective date of the imposition of the disciplinary action. Further, said request shall identify the subject matter of the appeal, the grounds for the appeal and the relief desired by the employee. If the employee fails to request a disciplinary hearing within the prescribed time, the employee shall have waived the right to a hearing and all rights to further appeal of the disciplinary action.

SECTION 2. Scheduling of Disciplinary Hearing

The Personnel Officer shall schedule any disciplinary hearing within a reasonable time after the filing of the employee's request, considering the availability of the advisory arbitrator and the convenience of the employee and the witnesses.

SECTION 3. Advisory Arbitrator

The advisory arbitrator shall be provided by the State of California Mediation and Conciliation Service or similar, mutually agreed upon agency.

SECTION 4. Expedited Arbitration

Unless otherwise agreed to by both parties, expedited arbitration shall be used and shall include:

- (a) A requirement that the arbitrator selected render a decision within sixty (60) calendar days of the conclusion of the hearing.
- (b) No court reporter unless mutually agreed to by all parties.
- (c) No post hearing briefs unless mutually agreed to by all parties.

SECTION 5. Costs

The fees and expenses of the arbitrator and the court reporter, if required, shall be shared equally by both parties.

SECTION 6. Decision

The decision of the arbitrator shall be advisory only and constitutes the final step within the City's administrative process.

ROLE XIII. GRIEVANCE PROCEDURES

SECTION 1. Purpose of Grievance Procedures

The grievance procedure shall be used to resolve employee complaints concerning terms and conditions of employment with the City. The grievance procedure shall not be used for:

- (a) The resolution of any complaint concerning any disciplinary action;
- (b) The resolution of any complaint relating to any concerted refusal to work.

SECTION 2. Informal Discussion of Grievance

When an employee has a complaint, the employee shall first informally discuss the matter with the employee's immediate supervisor within fifteen (15) calendar days from the date of the incident or decision generating the grievance. If, after a discussion with the immediate supervisor, the complaint has not been satisfactorily resolved, the employee shall have the right to discuss the complaint informally with the supervisor's immediate superior. If, after such a discussion, the complaint has not been satisfactorily resolved, the employee shall have the right to file a formal grievance.

SECTION 3. Formal Grievance Procedure

The formal grievance procedure shall be comprised of the following:

- (a) An employee shall have the right to present a formal grievance, in writing, within five (5) working days after the informal discussion of the grievance with the immediate supervisor or the immediate supervisor's superior. All formal grievances shall state the reasons for the complaint and the employee's suggested solution.
- (b) The formal grievance shall be presented to the department director. The department director shall discuss the grievance with the employee and/or the employee's representative. Within ten (10) working days after receipt of the formal grievance, the department director shall render a written decision regarding its merits. The grievance shall be considered resolved and no further review of the subject matter of the grievance shall be permitted under this rule when the employee does not seek further review of the grievance within five (5) working days after receipt of the decision of the department director. Failure of the department director to render a written decision on the grievance within five (5) working days constitutes a decision denying the grievance.
- (c) If the department director's decision does not satisfactorily resolve the complaint, the employee may present the formal grievance to the Personnel Officer. The Personnel Officer shall discuss the grievance with the employee and the employee's representative. Within fifteen (15) days

after meeting with the employee and the employee's representative, the Personnel Officer shall render a written decision regarding its merits.

- (d) If the Personnel Officer's decision does not satisfactorily resolve the complaint, or if the Personnel Officer fails to respond in writing as provided in Step (c) above, the employee shall have the right to refer the grievance to binding arbitration. Such referral shall be made in writing to the Personnel officer within ten (10) working days of receipt of his/her decision.

SECTION 4. Binding Arbitration

The binding arbitration procedure shall be as follows:

- (a) The arbitrator shall be provided by the State of California Mediation and Conciliation Service.
- (b) Unless otherwise agreed to by both parties, expedited arbitration shall be used and shall include:
 - 1. A requirement that the arbitrator selected render a decision within sixty (60) calendar days of the conclusion of the hearing.
 - 2. No court reporter unless mutually agreed to by all parties.
 - 3. No post hearing briefs unless mutually agreed to by all parties.
- (c) The fees and expenses of the arbitrator and the court reporter, if required, shall be shared equally by both parties.

SECTION 5. Arbitrator's Decision

The decision of the arbitrator shall be final and binding.

SECTION 6. Reprisals Prohibited

The City shall not institute any reprisals against any employee or any representative resulting from the use of the grievance procedure.

SECTION 7. Grievance Preparation Time

An employee submitting a grievance and the employee's representative may use a reasonable amount of time during working hours to prepare for and present the grievance.

RULE XIV. SEPARATION PROCEDURES

SECTION 1. Resignation

In order to resign in good standing, an employee shall inform the appointing authority at least ten (10) working days in advance of the effective date of the resignation. An employee absent from work without authorization for forty (40) consecutive working hours or more, without presenting a satisfactory explanation to the appointing authority as to the cause of the employee's absence, shall be considered as having voluntarily resigned from the City service.

SECTION 2. Layoff

The appointing authority may lay off employees or demote employees in lieu of layoff subject to the following conditions:

- (a) Whenever in the judgment of the City Council it becomes necessary, in the interest of economy or because the necessity for the position or an employment involved no longer exists, the City Council may abolish any position or employment in the competitive service and lay off, demote or transfer an employee holding such position or employment without filing written charges and without the right to appeal.
- (b) Seniority shall be observed in effecting such reduction in personnel, and the order of layoff shall be in the reverse order of total cumulative time served in the City's service upon the effective date of the layoff. Layoff shall be made within classes of positions, and all provisional employees in the affected class or classes shall be laid off prior to the layoff of any probationary or regular employee.
- (c) Whenever seniority is equal, the seniority of the employee shall be determined first by examining total cumulative

service within the affected classification and, if not determinative, then by position on the employment list.

- (d) Length of cumulative service is interpreted to be total time spent in the employ of the City, including all days of attendance at work, approved leaves of absence whether earned or specially authorized, and time served on military leave of absence but shall not include unauthorized absences, time spent between employment with the City, suspensions, layoffs or any other time when the employee was not actively engaged at work.
- (e) The appointing authority shall notify those employees to be laid off at least ten (10) calendar days prior to the effective date of any such layoff. Employees laid off from higher ranking classifications shall have the option, if qualified, to displace employees who have less seniority in lower rated job classifications in the same job series. In addition, such employees shall have the option, if qualified, to demote to vacancies in equal or lower rated job classifications outside the job series.
- (f) If an employee is demoted in lieu of layoff, the appointing authority shall assign the employee to the pay rate in the pay range for the new classification that least reduces the employee's prevailing pay rate immediately prior to the demotion.
- (g) The names of persons laid off or demoted in accordance with these rules shall be entered upon a reemployment list. Such list shall be used when a vacancy arises in the same or lower class of position.
- (h) Names of persons laid off shall be carried on a reemployment list for twelve (12) months, except that persons appointed to regular positions of the same level as that which laid off, shall, upon such appointment, be removed from the list. Persons who refuse reemployment shall be removed from the list. Persons reemployed in a lower class, or on a temporary basis, shall be continued on the list for the higher position for the twelve (12) month period.

SECTION 3. Retirement

An employee may retire in good standing by separating From the City's service in compliance with the provisions of any City approved retirement plan.

RULE XV. MISCELLANEOUS PROCEDURES

SECTION 1. Outside Employment

All full-time employees having or accepting a second job of any type shall have such employment approved by the department head and the Personnel Officer. No employee shall accept any outside employment which may interfere with the execution of his municipal employment.

SEC. 2. Jury Duty

Any employee of the City who is duly summoned to attend any court for the purpose of jury service .during the time regularly required for employment shall be entitled to regular compensation while so actually serving, providing the fees received as a juror, except mileage or subsistence allowances, are remitted to the City Treasurer.

SECTION 3. Military Leave

Military leave shall be granted in accordance with the provisons of State law. All employees entitled to military leave shall give the appointing authority an opportunity within the limits of military regulations to determine when such leave shall be taken.

SECTION 4. Leave of Absence Without Pay

The City Manager may grant a regular or probationary employee leave of absence without pay for up to six (6) months. Upon expiration of a regularly approved leave or within a reasonable period of time after notice to return to duty, the employee shall be reinstated in the position held at the time leave was granted. Failure on the part of an employee on leave to report promptly at its expiration, or within a reasonable time after notice to return to duty shall be considered a voluntary resignation from the City service.

Department heads may grant a regular or probationary employee leave of absence without pay for up to one (1) calendar week. Such leaves shall be reported to the Personnel Officer.

SECTION 5. Personnel Records

The Personnel Officer shall maintain a service or personnel record for each employee in the service of the City showing the name, title of position held, the department to which assigned, salary, changes in employment status and such other information as may be considered pertinent by the Personnel Officer. The contents of the personnel files shall be confidential and shall be reviewed by others in accordance with administrative policies and procedures and applicable law.

SECTION 6. Discretionary Medical Evaluation

At the discretion of the Personnel officer, an employee may be required to be medically evaluated by a City-approved physician. If a medical evaluation report concludes that the employee cannot perform the duties of the employee's classification, an employee may be separated from employment with the City. A medically evaluated employee shall not return to work without a written authorization from a City-approved physician.

SECTION 7. Severability

In the event that any rule, section or subsection of these personnel rules shall be declared invalid by any court, or by any State or Federal law or regulation, such determination shall not affect the validity of the other rules, sections and subsections of these personnel rules.