



CITY OF MONROVIA
Personnel Rules and Regulations Manual

FINAL DRAFT

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City of Monrovia
Personnel Rules and Regulations

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CITY OF MONROVIA
Personnel Rules & Regulations

RULE 1 – ADOPTION OF A PERSONNEL SYSTEM

Section 1. Adoption Of A Personnel System

Pursuant to Monrovia Municipal Code (MMC) Section 2.76.020 (B) and in order to establish a uniform procedure for dealing with personnel matters, the personnel system set forth in these rules and regulations is hereby adopted. The objectives of these rules are to facilitate efficient and economical services to the public and to provide for a fair and equitable system of personnel management in the municipal government. These rules shall supersede any prior rules and regulations and may be changed only upon approval of the City Council; except that, where an applicable memorandum of understanding between the City and a recognized employee association contains provisions contrary to those contained in these Rules and Regulations, the language contained in the Memorandum of Understanding shall govern. It is hereby the declared personnel policy of the City of Monrovia that:

- Employment by the City of Monrovia shall be based on merit and ability to perform duties, free of personal and political considerations.
- Appointments, promotions, and other actions requiring the application of the merit principle shall be based on tests and/or evaluations.
- Tenure of employees covered by these rules shall be subject to good behavior, satisfactory work performance, necessity for the performance of work, and the availability of funds.

Section 2. Equal Employment Opportunity

The City shall not discriminate in matters affecting recruitment, hiring, promotion, discipline, compensation, assignments, benefits, training, layoff, and recall practices and any other matters affecting employment.

Section 3. Discrimination & Harassment Policy

It is the policy of the City of Monrovia to take action to assure equal opportunity for all qualified employees and job applicants without regard to an individual's actual or perceived race, color, religious creed, sex, age, national origin, disability, medical condition, veteran's status, pregnancy, marital status, sexual orientation, gender identification or age or association with individuals with these characteristics. Such action shall be taken when employment decisions, such as recruitment, selection, and promotional opportunities are made. Responsibility for monitoring compliance and implementation is assigned to the Personnel Officer. See Rule 6, Section 8, page 44 for detailed policy.

Section 4. Applicable Officer & Employees

The provisions of these rules and regulations shall apply to all offices, positions and employments in the service of the City, except:

1. Elected officers.
2. Members of appointed boards, commissions and committees.
3. Persons engaged under contract to supply expert, professional, or technical services for a definite period of time, other than those defined as Limited Term Employees (Appendix B), who shall be subject to these rules and regulations.
4. Volunteer personnel who receive no regular compensation from the City.
5. City Manager.
6. City Attorney.

To the extent consistent with the Monrovia Municipal Code, these Rules and Regulations shall apply to all employees, including Department Directors and other management positions designated by City Manager.

Section 5. Personnel Officer Powers & Duties

Pursuant to MMC Section 2.76.020, the City Manager shall be the Personnel Officer, who shall have the authority to approve non-substantive changes to these Rules and Regulations and / or modify them to provide consistency with operating procedures as appropriate and / or to implement policy as established by the City Council. The City Manager may delegate any of the powers and duties conferred upon the Personnel Officer under these or other City rules, regulations, resolutions or ordinances to any other officer or employee of the City or may recommend that such powers and duties be performed under contract. Consistent with the Meyers-Milias-Brown Act and other applicable state and federal laws, the Personnel Officer shall:

1. Prepare and recommend to the Council, as required, amendments to these Rules and Regulations and / or amend these Rules and Regulations to implement Council policy and / or new labor laws or statutes.
2. Prepare a Compensation Plan and revisions thereto as required by the Council.
3. Be responsible for administration of the following procedures within the framework of these Rules and Regulations:
 - a. The formulation of specifications for each classification in the competitive service of the City;
 - b. The allocation of positions to a classification in the competitive service on the basis of duties, responsibilities, and requirements;
 - c. The announcement of vacancies and examinations and the acceptance of applications for employment;
 - d. The preparation and conducting of examinations and the establishment and use of eligibility lists containing names of persons eligible for appointment;
 - e. The certification, appointment and determination of a salary and benefit package of persons from eligibility lists to fill vacancies and the making of temporary and emergency appointments;

- f. The coordination of the evaluation of employees during the probationary period and periodically thereafter;
- g. The transfer, promotion, demotion, discipline, and reinstatement of employees in the competitive service;
- h. The standardization of hours of work; attendance and leave regulations, and working conditions;
- i. The development of employees' morale, welfare training and safety;
- j. The separation of employees from the competitive service;
- k. The maintenance and use of necessary records and forms, including payroll certification;
- l. The establishment and maintenance of suitable methods of effective communication among all employees;
- m. The development of a pay and benefit package for all employees;
- n. The development and administration of the City's employee-employer relations program consistent with State law and any City employee relations resolutions;
- o. Administration of the City's non-discrimination and harassment and / or EEO Plan;
- p. Conducting periodic compensation surveys using cities specified in respective Memoranda of Understanding.

Section 6. Severability

If any provision or provisions of these Personnel Rules and Regulations shall be held invalid by a court of competent jurisdiction, the remaining provisions shall not be affected thereby and shall remain in full force and effect.

Section 7. Definitions

Unless specifically defined, all words and terms used in this section and in any ordinance or resolution dealing with personnel policies or procedures shall be defined as they are normally and generally defined in the field of personnel administration.

1. ***"Acting appointment"*** means the appointment of an employee to a classification in the City service on an interim basis during which that person may continue to occupy the position from which the employee was appointed.
2. ***"Administrative Leave"*** means paid time off approved at the discretion of the City Manager. While on Administrative Leave, an employee shall receive full pay at his/her base rate of pay and benefits, shall be reachable by

telephone and available to report to City Hall or his/her place of employment during normal business hours..

3. **“Appointing Authority”** means the City Manager or the City Manager’s designee.
4. **“Appointment”** means the employment of a person in a position.
5. **“At Will”** means employees who serve at the pleasure of the City including Department Directors, Division Managers and part-time employees.
6. **“Base Salary”** means the salary range and step established in a salary schedule exclusive of any overtime, incentive or other type of premium pay an employee may receive.
7. **“Call-back duty” (also known as “Recall” or “Forced”)** occurs when an employee is unexpectedly ordered by his / her department to return to duty, following the termination of the employee’s normal work shift or work week, because of unanticipated work requirements.
8. **“Classification”** means a group of positions sufficiently similar in duties, authority, responsibilities, and minimum qualifications for employment to permit combining them under a single title and the application of common standards of selection and compensation.
9. **“Classification plan”** means the designation of a title for each class together with the specifications for each class as prepared and maintained by the personnel officer.
10. **“Compensatory time off”** means time taken off, with pay, from work in lieu of overtime pay previously accrued by the employee.
11. **“Competitive service”** means all positions in the City service except those specifically excluded by these rules.
12. **“Day”** means calendar day unless otherwise noted.
13. **“Demotion”** means the voluntary or involuntary reduction of an employee from a position in one classification to a position in another classification having a lower maximum salary rate.
14. **“Dismissal”** means the involuntary separation of an employee from the City service.
15. **“Eligibility list”** means a list of names of persons who have successfully completed the examination process for a position in the competitive service and are ranked on the list in accordance with the provisions of Rule 2, Section 10 and who may be appointed to a vacant position in the competitive service as provided by these rules.

16. **“Exempt”** means employees whose duties and training exempt them from the over-time provisions of the Fair Labor Standards Act (FLSA).
17. **“Employee”** means individuals that are employed by the City of Monrovia.
18. **“Full-time position”** means a position in which the employee normally works at least forty (40) hours per week or an approved, equivalent alternative work schedule and is eligible for the benefit package offered by the City.
19. **“Layoff”** means the dismissal of an employee from City service for reasons of economy, efficiency or other non-disciplinary reason.
20. **“Management Leave”** means paid time off which either recognizes hours worked above and beyond forty in a week or eighty in a pay period by management and exempt employees.
21. **“Merit salary increase”** means the increase of an employee’s salary within the established salary range based on the employee’s work performance.
22. **“Non-Exempt”** means employees who are entitled to receive overtime compensation in accordance with the provisions of the Fair Labor Standards Act.
23. **“Overtime”** means all previously authorized hours worked by non-exempt employees in excess of his / her normal work period, regular work week, work day, or shift, unless otherwise established in a manner consistent with law.
24. **“Part-time employee”** is defined per *“Appendix A – Part-Time Employees”* in these Personnel Rules and Regulations.
25. **“Performance evaluation date”** means the date on which a probationary or regular employee’s performance is evaluated and the date upon which the employee is eligible, on the basis of job performance for a prescribed period, for a merit salary increase within the established salary range.
26. **“Position”** means a combination of duties and responsibilities assigned to a single employee and performed on either a full-time or part-time basis.
27. **“Probationary appointment”** means a working test period that is part of the selection process and during which a new (initial probationary period) or promoted (promotional probationary period) employee is required to demonstrate ability to perform the duties of the position.
28. **“Promotion”** means the advancement of an employee from a position in one classification to a position in another classification having a higher maximum salary range and a greater level of responsibility. Promotions may be made from within the organization and/or through an open competitive selection process, at the discretion of the appointing authority. The

evaluation date for a City of Monrovia employee who is promoted shall be based on the effective date of the promotion.

29. **“Provisional Appointment”** means an employee who is appointed in the absence of an eligibility list. All provisional appointees must successfully compete in and complete the normal recruitment process within twelve (12) months of appointment.
30. **“Reclassification”** means a change in job description and / or job title of a position within the City services to accommodate materially changed job duties not anticipated in the original classification and assigned or directed to be performed by the City but not to include duties voluntarily assumed by the employee. An employee may be reclassified without a competitive exam if the Personnel Officer determines that the employee has met the minimum qualifications of the position and has performed the duties of the reclassified position for a minimum period of six (6) months. Reclassification shall not be used for the purpose of avoiding competitive selection processes. The performance evaluation date for an employee who is reclassified shall not change.
31. **“Regular appointment”** means the appointment of a person in a regular budgeted position. A regular appointment follows successful completion of a probationary period.
32. **“Rejection”** means the dismissal from the City service of an employee who has not successfully completed the initial probationary period, or the return of a regular employee who did not successfully complete a promotional probationary period to a position in which the employee has previously acquired regular status.
33. **“Reinstatement”** means the reappointment of an employee to a position in a same or comparable classification within twelve (12) months of his / her resignation in good standing (as determined at the discretion of the appointing authority). Credit shall be granted for prior service in terms of benefits accrued or seniority. A reinstated employee shall serve a probationary period.
34. **“Resignation”** means the voluntary separation of an employee from the city service.
35. **“Separation”** means the termination of an employee from City service.
36. **“Service anniversary date”** means original date of hire as an employee for purposes of accruing benefits and determining years of service with the City. In cases where an employee’s status changes from, for example, part-time to full time, benefits will be accrued based on the full time service anniversary date.
37. **“Stand-by duty”** occurs when an employee is assigned to specific hours of work outside the normal work week / period assignment, during which time the employee must remain available to be contacted by telephone and ready

for immediate return to work to perform an essential service. An employee designated for stand-by duties shall refrain from activities that would impair his/her ability to perform if called into work and must be able to report to work within 30 minutes if called in. Variances to these provisions contained in Memoranda of Understanding shall prevail.

38. **“Suspension”** means the temporary separation of an employee from the service for disciplinary purposes. Suspension shall be without pay unless the employee is notified otherwise.
39. **“Temporary appointment”** means an appointment to a temporary or regular position for a period of no more than six (6) months (unless extended, in writing, by the City Manager). Temporary appointees are eligible for statutory benefits but are not eligible for salary increases unless explicitly authorized by the City Manager, in writing. Temporary employees may be removed from the position which they are filling without cause and without right of appeal, grievance or hearing. Regular employees temporarily assigned to another position in City service shall not be considered temporary employees within the meaning of this section. A temporary appointment may be full-time or part-time.
40. **“Three-quarter Time position”** means a position in which the employee normally works thirty (30) hours per week and is eligible for any and all benefits on a pro-rated basis.
41. **“Trainee”** shall mean an individual appointed to a position, who possesses less than the desired qualifications for the position. An individual appointed as a “trainee” may serve in that capacity for no longer than twelve (12) months at which time he / she must successfully demonstrate that he / she possesses all qualifications of the position. Trainees shall be compensated at 90% of a salary step within the approved salary range. The City Manager may authorize the appointment of employees to a trainee classification at any time subject to the compensation and time periods described herein. Part-time employees may be appointed in a “trainee” status.
42. **“Transfer”** means a change of an employee from one position to another position in the same classification or another class having the same maximum salary range, involving the performance of basically similar duties, and requiring substantially the same qualifications.
43. **“Y-Rated Position”** shall mean a position which is paid above the maximum of the salary range resulting in the incumbent’s salary being frozen until adjustments to the salary range cause the incumbent’s salary to fall within the range.

RULE 2 – CLASSIFICATION PLAN AND SELECTION PROCESS

Section 1. Classification Plan

The Personnel Officer shall ascertain and record the duties and responsibilities of all positions in the competitive service and shall recommend a classification plan for the positions. The classification plan shall consist of classifications in the competitive service defined by specifications, including title; a description of typical duties and responsibilities of positions in each classification; a statement of the desirable training, education, experience and other qualifications of applicants for positions in each classification; and delineation of each job classification per Fair Labor Standards Act (FLSA) regulations as a non-exempt, exempt, or management position. The classification plan shall be so developed and maintained so that all positions substantially similar with respect to duties, authority, and character of work are included within the same classification, and that the same schedules of compensation may be made to apply under like working conditions to all positions in the classification.

In the preparation of the classification plan, the Personnel Officer shall allocate every position in the competitive service to one of the classifications established by the plan. Before the classification plan or any part thereof shall become effective, it shall first be approved by the City Council. Upon adoption by the Council, the provisions of the classification plan shall be observed in the handling of all personnel actions and activities. The classification plan shall be amended or revised as occasionally required in the same manner as originally established.

When a new position is authorized, the Personnel Officer shall place it in an appropriate classification. If the duties of a position have changed materially so as to necessitate reclassification, the Personnel Officer shall have the authority to allocate that position to a more appropriate class, whether new or already established.

Section 2. Reclassifications

When the duties of a position have changed materially so as to necessitate reclassification, the position shall be allocated to a more appropriate class, whether new or already established, in the same manner as originally classified and allocated.

Section 3. Job Descriptions

Job descriptions for all classifications provide distinguishing features of the class, examples of work performed, desirable training, education and experience, and other requirements deemed necessary by the Personnel Officer. Job descriptions shall also include required licensing, certificates or any other special requirements.

1. The Personnel Officer shall maintain copies of current job descriptions.
2. Job descriptions are descriptive only and are not restrictive in nature. Supervisors may assign different tasks to a position when the duties are similar in kind and responsibility to those described in the job description.

Section 4. Job Announcements

Positions to be filled through a competitive process shall be publicized by distributing announcements to employees, posting on the City's and other web sites, and in publications as the Personnel Officer deems advisable and appropriate. The announcements shall specify the title and pay range of the classification for which the

examination is announced; the nature of the work to be performed and any special projects; preparation desirable for the performance of the work of the classification; the dates, time, place and manner of making applications; the closing date for receiving applications; the requirements for the position; and other pertinent information. The Personnel Officer may declare any vacancy a promotional opportunity and limit applications to qualified individuals currently employed by the City.

Section 5. Application Forms

Applications shall be made on forms approved by the Personnel Officer. Such forms shall require information covering training, education, experience, and other pertinent information as deemed necessary by the Personnel Officer. All applications must be submitted electronically by the person applying. Applications received at times other than following announcements as set forth above shall be destroyed or returned to the applicant at the discretion of the Personnel Officer.

Section 6. Disqualification

The Personnel Officer may reject any application which is not properly completed or which indicates that the applicant does not meet the qualifications for the job.

Applications may also be rejected for reasons including, but not limited to:

1. The applicant's inability to perform the essential job functions of the position sought, taking into account reasonable accommodations which do not create an undue hardship.
2. The applicant is currently using drugs or alcohol which would prevent the applicant from effectively performing the job or create an undue risk to persons or property.
3. The applicant has been convicted of a crime which may have an adverse impact on the ability to perform the job for which the applicant is applying
4. The applicant is not legally permitted to work within the United States
5. The applicant has made any false statement of any material fact or practiced or attempted to practice any deception or fraud in making application for employment.

Whenever an application is rejected, notice of such rejection shall be mailed (via U.S. Mail or electronic mail) to the applicant by the Personnel Officer or his / her designee.

Section 7. Physical Requirements

The City requires that all applicants and employees be in satisfactory physical and mental condition that permits performance of the duties of their jobs and shall require medical and/or psychological evaluation as a condition of an offer of employment. An employee shall not hold any position in a classification in which the employee cannot perform unless he/she can be reasonably accommodated such that he/she can perform all essential job functions adequately, without creating a hazard to the employee, others or property. Within the limitations indicated, the City's policy is to employ disabled individuals in positions in the City service where their disabilities can be reasonably

accommodated and essential job functions and duties can be safely and efficiently performed.

Section 8. Subject & Method Of Examinations

The Personnel Officer will determine the manner, methods, applicant pool, and by whom examinations shall be given.

Examinations shall be competitive and may consist of written tests, oral tests, performance tests, evaluations of prior training and performance, experience and education, interviews, style assessments, file review, or any combination thereof. Some positions may require a background check. In the case of employees handling money or other valuables in the course of their duties or whose duties require that they be bonded, a credit check will be done in accordance with the provisions of Government Code Section 3308. Examinations shall be job-related.

Appointment to a position in the competitive service shall be subject to the appointee passing medical and / or psychological examination and testing to the satisfaction of the appointing authority. Such pre-employment medical examination shall include a drug / alcohol screening. The scope and type of examination is to be determined by the Personnel Officer. If a person fails to pass such an examination, the person may be disqualified from consideration for employment.

Section 9. Qualifying Grade & Rating Examinations

In all examinations the minimum grade or standing for which eligibility may be earned shall be based upon all factors in the examination, including educational requirements, experience, and other qualifying elements as shown in the application of the candidate or other verified information. Failure in one part of the examination may be grounds for declaring the applicant as failing in the entire examination, or as disqualified for subsequent parts of an examination.

As required by state law, consideration is provided to veterans who served during military actions. Individuals who served in the armed forces, as defined in Government Code Section 18540, shall receive five (5) points after successful completion of the first step of the competitive recruitment process. To be eligible, the individual must provide proof of fulltime service in the armed forces for a period of 181 days or longer, and that he / she was released for reasons other than a dishonorable discharge.

1. Points will be applied upon successful completion of the first phase of the examination process. Points will not be applied to elevate an applicant from a failing grade to passing.
2. An individual who did not complete the 181 day service requirement due to injury or medical reasons and can provide proof that the injury was related to time of service is eligible for credit.
3. An applicant must provide proof of service at the time he / she submits his/her application.
4. Five (5) points will only be applied to the first score in the recruitment process.

Section 10. Eligibility Lists

Eligibility lists will be established and certified by the Personnel Officer following all applicable examinations. The names of those applicants who qualified in the examination shall be arranged in three categories or Bands. Those with composite scores between 90-100% shall be in Band 1. Those with composite scores between 80-89% shall be in Band 2. Those with composite scores between 70-79% shall be in Band 3. These applicants will be considered qualified for appointment, pending further review by the appointing authority and other qualifying procedures, including, but not limited to, background investigations, reference checks, credit checks in accordance with Government Code Section 3308, and medical examinations as may be required in the appointing authority's discretion.

Eligibility lists shall be valid and in effect for a period of six (6) months. An eligibility list may be extended upon the recommendation of the department head and by action of the Personnel Officer for two (2) additional six-month periods, but in no event shall a list remain in effect for more than eighteen months.

Names of those not chosen from an eligibility list which is less than six months old shall be merged with names on a newly established list for the same classification, but such names shall not remain on the new list for more than eighteen (18) months from the date of their original examination unless approved by the Personnel Officer.

If less than three names of qualified applicants are available for appointment, the Personnel Officer may declare the list invalid and announce a new recruitment and examination period. In the alternative, the Personnel Officer may effectuate a temporary appointment until eligible candidates can be certified after appropriate examination.

The City is committed to developing the skills, knowledge, and abilities of its employees and when applicable and appropriate, will make every effort to fill open positions by promoting existing employees who are qualified for the job. Candidates are encouraged to meet with Human Resources staff to review scores achieved through the application process to assist candidates in their career development.

Section 11. Removal Of Names From Eligibility List

Names may be removed from an eligibility list for any of the following reasons:

1. If an eligible candidate requests orally or in writing that his / her name be removed.
2. If an eligible candidate fails to accept an offer of employment within ten (10) days following the forwarding of such offer.
3. If an eligible candidate on a promotional list resigns from the service.
4. If an eligible candidate in a medical examiner's opinion does not meet the physical, medical, or mental requirements established for the position.
5. If a person on the eligibility list leaves no forwarding address, email address and/or phone number.
6. Other lawful reasons.

Section 12. Notification Of Results

Every applicant taking part in the examination process shall be given written notice of the results. Any applicant shall have the right to review his / her test results. An error in rating or grading, called to the attention of the Personnel Officer within ten (10) days after the effective date of the eligibility list, shall be corrected.

Section 13. Relatives Working For The City of Monrovia

No employee, prospective employee, or applicant shall be improperly denied employment or benefits of employment on the basis of marital status or family relationship to another employee or official of the City. For the purpose of this section, marital status is defined as an individual's state of marriage, non-marriage, divorce or dissolution, separation, widowhood, annulment or other marital state. For the purpose of this section, a relative shall be defined as a member of the immediate family. Family relationship, for the purposes of this section, is defined as spouse, domestic partner, significant other, children, parents, brothers, sisters, grandparents, grandchildren of the employee, and the corresponding relationships by affinity.

Notwithstanding the above provisions, the City retains the following rights:

1. To refuse to place one spouse, domestic partner or relative under the direct or indirect supervision of the other party to the same relationship.
2. To refuse to place both spouses, domestic partners to relatives in the same department, division, or facility where there is a potential for creating adverse impact on supervision, safety, security, or morale, or involves potential conflicts of interest.
3. To disqualify one spouse, domestic partner or relative for a position privy to confidential personnel matters who has a relative already in the City's employment when the relationship may compromise confidential information.
4. When two employees, employed by the City in the same department or in a position of direct supervision over the other, marry, file for legal status as domestic partners or become related, where such has the potential for creating an adverse impact on supervision, safety, security or morale, one of the employees may be transferred to another department, provided the transferred employee retains as equitable position of equal salary and benefits. Where transfer is not feasible, the employees shall not work together.
5. Under no circumstances shall any employee participate in the evaluation, selection, or hiring of any potential candidates for employment by the City when marital status or family relationships could potentially pose a conflict of interest as determined by the Personnel Officer.

RULE 3 – APPOINTMENTS

Section 1. Filling Vacancies

Vacancies, other than temporary vacancies, in the competitive service, may be filled by reinstatement, transfer, demotion, or from an eligible applicant on an appropriate eligibility or promotional list, if available. Those eligible may be appointed to a position other than the one for which they initially qualified. In the absence of persons eligible for appointment in the above manner, acting, temporary or provisional appointments may be made in accordance with these rules and regulations so long as the individual meets the requirements of the position to which the individual is being appointed.

The Personnel Officer shall make official an appointment by notifying the person appointed and completing the Personnel Action Form and other related employment forms. If the applicant accepts the appointment, the appointment shall be deemed completed when all examinations have been satisfactorily passed. Otherwise, the appointment shall be deemed to have been declined by the applicant.

Section 2. Probationary Appointments

Probationary appointment procedures shall include the following provisions:

Non-Sworn / Civilian Employees

All original appointments shall be tentative and subject to successful completion of a probationary period of not less than twelve (12) months.

The probationary period shall be part of the testing process and shall be utilized for closely observing the employee's work. Upon recommendation of the Department Head, the Personnel Officer may extend an employee's probationary period by a maximum of twelve (12) months past the end of the initial probationary period. Probationary employees do not have property or vested rights in their positions with the City.

During the probationary period, an employee may be rejected at any time by the appointing authority without cause and without right of appeal, grievance, or hearing. The Department Head or appointing authority shall notify the probationer and Personnel Officer two weeks prior to the termination of any probationary period.

If the service of the probationary employee has been satisfactory to the appointing authority, the Department Head, prior to expiration of the probationary period, must file with the Personnel Officer a statement in writing recommending that the employee become a regular employee in the service. If the service of a probationary employee has not been satisfactory, the appointing authority or Department Head shall notify the employee prior to the expiration of the probationary period that his/her probationary period has been rejected or that the probationary period has been extended. Failure to file notification with the employee shall result in the employee achieving permanent status.

When on probation, an employee shall be evaluated at least every six months from the date of hire. The employee may be eligible for a merit increase based on work performance with the approval of the Personnel Officer. This provision does not preclude more frequent evaluations.

Probationary Period For Employees Who Are Promoted

An employee who is promoted shall serve a probationary period of not less than (6) months. The effective date of the promotion establishes a new performance evaluation date.

Any regular employee rejected during the probationary period following a promotional appointment shall be reinstated to the position from which the employee was initially promoted, unless the employee is discharged in the manner provided in these rules for regular employees.

Sworn Employees (Police & Fire)

All original appointments shall be tentative and subject to successful completion of a probationary period of not less than eighteen (18) months.

The probationary period shall be part of the testing process and shall be utilized for closely observing the employee's work. Upon recommendation of the Department Head, the Personnel Officer may extend an employee's probationary period by a maximum of twelve (12) months past the end of the initial probationary period. Probationary employees do not have property or vested rights in their positions with the City.

During the probationary period, an employee may be rejected at any time by the appointing authority without cause and without right of appeal, grievance, or hearing. The Personnel Officer shall notify the Department Head or appointing authority who shall notify the probationer two weeks prior to the termination of any probationary period.

If the service of the probationary employee has been satisfactory to the appointing authority, the Department Head, prior to expiration of the probationary period, must file with the Personnel Officer a statement in writing recommending that the employee become a regular employee in the service. If such a statement is not filed, the employee should then be notified prior to the expiration of the probationary period that they have either been rejected or that their probationary period has been extended. Failure to file notification with the employee shall result in the employee achieving permanent status.

Employees shall be eligible for a merit increase, based on performance, twelve (12) months from the date of hire. Eighteen (18) months from the date of hire, employees are eligible to be considered for permanent, non-probationary status. Assuming as employee achieves permanent status, he/she shall be eligible for a merit increase, based on performance, twenty-four (24) months from date of hire and annually thereafter.

When on probation, an employee shall be evaluated at least every six months from the date of appointment. The employee may be eligible for a merit increase based on work performance with the approval of the Personnel Officer. This provision does not preclude more frequent evaluations.

Probationary Period For Sworn Employees Who Are Promoted

An employee who is promoted shall serve a probationary period of not less than (12) months. The effective date of the promotion establishes a new performance evaluation date.

Any regular employee rejected during the probationary period following a promotional appointment shall be reinstated to the position from which the employee was initially promoted, unless the employee is discharged in the manner provided in these rules for regular employees.

Section 3. Regular Appointments

Following successful completion of a probationary period in a regular budgeted position, an employee shall be classified as one in a regular appointment.

Section 4. Provisional Appointments

When the service demands of the City are such that an open competitive recruitment process is not practical and / or in the absence of an eligibility list, the appointing authority may make a provisional appointment.

1. Any person appointed in provisional status shall meet the minimum qualifications for the position to which he / she is being appointed.
2. No person shall remain in the provisional appointment status for more than twelve (12) months.
3. A provisional appointee who is subsequently appointed to a permanent position shall be entitled to credit, for the time served in the provisional status, toward the completion of his / her probationary period.
4. A provisional employee shall be entitled to the same salary and benefits as a permanent employee.

Section 5. Temporary Appointments

Temporary appointments may be made by the Personnel Officer for a period not to exceed six months, unless extended by the City Manager, in writing, for a period not to exceed an additional six months. Temporary employees shall not be entitled to sick leave, vacation leave with pay, holiday pay, or other benefits. No credit shall be granted to an application or an examination for service rendered under a temporary appointment. However, if a temporary appointment is converted to a probationary appointment without interruption of service, the period of temporary service shall be credited towards the completion of the probationary period, but no accrual of sick or vacation leave may be allowed for the period of service that the individual served as a temporary appointee. Temporary employees serve at the will and pleasure of the City Manager and may be dismissed without cause and without right of appeal, grievance or hearing.

Section 6. Classification Reassignment

An existing employee who successfully competes for a position at a lower pay level shall be compensated at the closest step to his/her pre-reassignment salary. An employee who is reassigned shall serve a six (6) month probationary period in the new classification. A reassignment does not alter the employee's service anniversary date but will establish a new performance evaluation date.

Section 7. Emergency Appointments & Conditions

To meet the immediate requirements of an emergency condition, such as major fire, flood, earthquake, or other situation which may threaten life or property, the appointing authority may employ individuals without regard to these rules and regulations. All such

appointments shall be reported to the City Manager. Such appointments are temporary and emergency appointees may be dismissed without cause and without right of appeal, grievance, or hearing.

Further, in the event of an emergency, these Rules and Regulations may be suspended by the City Manager with respect to existing employees, and such suspension shall remain in effect until the City Manager's order is withdrawn.

Section 8. Reinstatement

With the approval of the Personnel Officer, an employee who has resigned or retired in good standing may be reinstated within twelve (12) months, to his / her former position, if vacant, or to a vacant position in the same or comparable classification. Employees resigning or retiring must adhere to the following policy to ensure that they are "Terminated in Good Standing" and are eligible for rehire.

1. Submit a written resignation (notification) stating your intent and reason for termination to your immediate supervisor.
2. Submit the written resignation a minimum of two weeks in advance. The City encourages employees aware of their pending termination from the City to let the Personnel Officer know as far in advance as possible.
3. Return all City property to the Personnel Officer or the immediate supervisor prior to receiving the final paycheck.
4. Clear any existing financial obligations with the City.

A reinstated employee who was not compensated for accrued sick leave at separation shall be credited with the amount of sick leave which had been accrued at the time of separation. Credit shall be granted to prior service in terms of benefits accruals. A reinstated employee shall serve a probationary period as defined in these Rules and Regulations. An individual requesting reinstatement shall be required to pass a medical and / or psychological examination and any other qualifying tests or procedures as in the case of a new employee.

RULE 4 – COMPENSATION

Section 1. Compensation Plan

The Personnel Officer shall prepare or have prepared a Compensation Plan which includes salary ranges covering all classifications in the service, showing the minimum and maximum rates of pay.

The City Manager is authorized to implement survey results and shall periodically submit a proposed Compensation Plan to the City Council. The City Council shall adopt, or amend and adopt, the proposed Compensation Plan. No position shall be assigned a salary higher than the maximum or lower than the minimum salary provided for that classification, unless the position is “Y” rated. The Personnel Officer shall prepare or have prepared a Compensation Plan which includes salary ranges covering all classifications in the service, showing the minimum and maximum rates of pay. To the extent possible, the compensation plan shall include salary differentials that provide reasonable differentials within job families and that recognize appropriate salary differentials within Departments and city-wide.

Section 2. Salary At Appointment

New employees shall normally be appointed at the first step of the salary range for the particular classification in which the appointment is made. When in the judgment of the Department Head, the education, training, and experience of a new employee are such that a salary in excess of the first step is justified, the Department Head may authorize an appointment to a position at a higher step in the salary range, up to the mid-point in the range. An initial hiring salary higher than the mid-point requires the approval of the City Manager.

Section 3. Employee Performance Evaluation

A report of performance for each employee shall be made by respective Department Heads or their designees on a form provided by the Personnel Officer after six (6) months and twelve (12) months following initial employment, and annually thereafter. Unless changed in accordance with these Rules and Regulations, these evaluation dates shall constitute the employee’s performance evaluation date for purposes of eligibility for a merit salary increase. Furthermore, the employee shall continue to receive performance evaluations on said date after the employee has reached the top of the applicable salary range. In addition, a performance evaluation may be prepared at any other time at the discretion of the employee’s supervisor, Department Director or the Personnel Officer.

Each performance evaluation shall be discussed with the employee to point out areas of successful performance and any areas that need improvement. The employee may comment regarding work performance, either in a written statement attached to the report or orally. The employee shall sign the performance report to acknowledge that the employee is aware of its contents and has discussed the report with the evaluator. The employee’s signature does not necessarily indicate agreement with the contents of the report.

Reports shall be prepared with a copy to the employee and to the Personnel Officer for retention in the employee’s personnel file.

Section 4. Advancement Within Salary Range Based On Performance Evaluation

Regular employees holding positions allocated to a salary range shall be eligible for advancement within a salary range based on the results of their performance evaluation. No salary advancement shall be made which will exceed the maximum rate established for the classification.

Furthermore, performance evaluations shall be conducted in the following manner:

1. **Notification of eligibility to department head.** No less than forty-five (45) calendar days prior to each employee's salary evaluation date, the Personnel Officer shall advise the Department Head in writing of the employee's pending eligibility for a merit salary increase. By submitting a completed Performance Evaluation Form, the Department Head shall advise the Personnel Officer of any recommendation for step advancement.
2. **Notification of authorization to Finance Department.** If the Department Head recommends the advancement of the employee to a higher salary step, the Personnel Officer shall notify the Finance Department in writing of the approved merit salary increase and such notification shall constitute authorization for the Finance Department to make payment to the employee at the specified higher rate. Such payment shall commence at the beginning of the pay period in which the employee's performance evaluation date falls.
3. **Exceptional performance advancement.** Upon recommendation of the Department Director, the City Manager may authorize the advancement of an employee to a higher step of the salary range earlier than would normally be attained if exceptional performance warrants advancement. Upon recommendation of the Department Director, the City Manager may also authorize a merit increase at any time based on performance. In such case, the date of the merit increase shall establish a new performance evaluation date.

Section 5. Postponement Of Merit Increase

A Department Head may recommend postponement of a merit increase pending further review of the employee's job performance for a period not to exceed six (6) months. Such recommendations shall include the reasons for the postponement. If, during or at the conclusion of the period of postponement, the Department Head recommends, based on performance documented in a performance evaluation, that the employee be advanced to a higher salary step, the Personnel Officer shall notify the Finance Director in writing and such notification will constitute authorization for the Finance Director to make payment to the employee at the specified higher rate. Such payment shall commence at the beginning of the pay period in which the recommendation is made and the next performance evaluation shall be twelve (12) months later.

Section 6. Failure To Notify Supervisor Of Employee Eligibility

Should an employee's salary evaluation date be overlooked through error, and upon discovery of the error the employee is recommended for a merit salary increase, the Personnel Officer shall authorize the Finance Director to make a retroactive payment compensating the employee from the beginning of the pay period in which the performance evaluation date should have fallen.

Section 7. Compensation Error

Should an employee be moved to a step in the salary range other than that for which the employee was recommended, such error shall be corrected promptly following its discovery. In the event of underpayment, the employee shall receive any amount due him / her on the next regular paycheck. In the event of overpayment, reimbursement to the City by the employee for said error shall be made by one or more of the following methods:

1. Debiting the employee's compensatory time off, vacation time, or holiday time off account; or
2. An agreed upon payroll deduction schedule; or
3. Any other
4. Any other mutually agreed to method.

Determination of which one or combination of the above methods of reimbursement should be used shall be made mutually by the affected employee and the Department Head. Should the employee terminate before full reimbursement to the City has been made, arrangements shall be made to repay the City by deduction from final compensation or by direct payment. All arrangements for reimbursement of an overpayment shall be in writing and signed by the employee. These procedures shall apply to any other type of pay or benefit error or irregularity.

Employees shall review each of his or her paychecks and related benefit information to determine if they were paid correctly. If the employee believes an error or irregularity has occurred, the employee must call it to the attention of the Department Head immediately.

Section 8. Salary On Promotion

An employee who is appointed to a position in a classification allocated to a higher salary range than the employee's present classification shall receive the nearest higher monthly salary which is at least five (5%) higher than the employee's previous base salary, but in no case more than the top step of the new salary range. Payment in such new salary range shall commence at the beginning of the pay period in which the appointment became effective as indicated on the Personnel Action Form.

The effective date of the promotional appointment shall determine the employee's new performance evaluation date. Promoted employees shall be evaluated at least every six (6) months from the date of promotion while on probation in the new classification. Upon completion of probation in the promoted classification, the employee may be eligible for a merit increase based on his / her performance.

Section 9. Salary On Transfer

After notice to the Personnel Officer, an employee may be transferred by the Department Head at any time from one position to another position in the same or comparable classification. In the event an employee is transferred to another Department, the Department Directors in both Departments must approve the transfer.

An employee who is transferred from one position to another in the same classification or to another position in a classification having the same salary range shall be compensated at the same step in the salary range as previously received. The employee's performance evaluation date shall remain the same as it was before the transfer.

Section 10. Salary On Reclassification

An employee whose position changes as a result of reclassification shall, at a minimum, be placed on the salary step no less than the dollar amount of the one the employee previously held. However if the salary step closest to the employee's former salary is less than the new salary, the employee shall be Y-rated. The employee's performance evaluation date shall not change as a result of reclassification.

Section 11. Salary on Reassignment

Whenever possible, an employee who is reassigned shall be compensated no less than he/she was in the previous classification and if possible, at a rate no more than 5% higher.

Section 12. Salary On Demotion

An employee demoted for cause will be compensated at the nearest lower monthly salary rate in the salary range for the classification to which he / she has been demoted. A demoted employee shall not be required to serve a probationary period in the lower classification unless the employee has not completed a probationary period as required by these rules, in which case the probationary period shall be completed in the lower classification. The effective date of a demotion shall establish a new performance evaluation date.

Section 13. Salary Upon Appointment To An Acting Capacity

Whenever the needs of the City, due to vacancy, extended illness, or other extenuating circumstances, require an employee to temporarily perform the duties of a higher classification than that in which the employee is currently employed, the Personnel Officer can authorize the appointment of an employee to an acting role. During the entire time served in the acting role, the employee shall receive the salary rate of the higher classification and maintain all benefits associated with his/her permanent classification. In such cases, the employee shall be paid at an appropriate step of the salary schedule of the higher classification which will assure an increase of not less than five percent (5%) of the employee's current salary, but in no case shall such salary exceed the top salary step of the higher classification.

The affected Department Director shall indicate in writing to the Personnel Officer the requirement of the performance of duties in the higher classification. No employee shall be required or allowed to perform any of the duties of a higher classification unless the employee is deemed to possess the minimum qualification of the higher classification by the Personnel Officer as recommended by the affected Department Director.

Generally, the employee assigned to perform the duties of a higher classification in an acting role shall not serve in that position for more than ninety (90) working days. However, the Personnel Officer can authorize an extension of the acting capacity for more than ninety (90) working days whenever a vacancy exists (or it is apparent that a vacancy will be present), provided that such appointment to an acting capacity does not exceed six (6) months.

A person appointed in an acting capacity shall be eligible to receive merit increases in his / her regular position during the acting appointment but shall not be entitled to merit increases in the position which is held in an acting capacity. However, in no case shall the acting pay be less than five percent (5%). If the position being filled in an acting capacity is subsequently filled permanently by the employee who has been acting, the employee's period of acting service shall be credited toward the employee's required period of probation for the higher classification.

Section 14. Overtime Pay

It is the policy of the City to avoid overtime work whenever possible. In cases of emergency, however, or whenever public interest or necessity requires, any employee may be directed by proper authority and in such cases, is expected to perform overtime work.

Overtime means all authorized hours worked by non-exempt employees in excess of his / her normal work period, regular work week, work day, or shift, unless otherwise established in a manner consistent with law. The Personnel Officer shall create and maintain a list setting forth those employees who are classified as non-exempt or exempt.

All non-exempt employees who perform authorized overtime work shall be compensated for such work at the rate of one and one-half (1½) times his / her regular hourly rate of pay multiplied by the number of overtime hours worked. For the purposes of calculating overtime, all hours in a paid status, except sick leave, shall be counted as hours worked.

Unless otherwise specified in a Memorandum of Understanding, sick leave off shall not be considered as hours worked for purposes of calculating overtime pay. No overtime shall be recorded or reported for less than one-quarter (1/4) hour of work. All overtime work, except for emergency conditions, must have the approval of the appropriate supervisor prior to actual performance of the work. Failure to obtain such approval in advance may be justification for disapproval of any overtime compensation and / or discipline.

Emergency call back duty will be paid at one and one-half (1½) times an employee's regular hourly rate of pay, whether or not the employee has worked in excess of his / her normal work period, regular work week, work day, or shift. In an emergency situation, the Personnel Officer may authorize overtime pay for other personnel who are not normally eligible for such pay.

Section 15. Compensatory Time-Off

Employees may accrue compensatory time-off ("CTO") in lieu of cash payment for overtime or standby time worked if their supervisor or manager agrees to such accumulation prior to overtime work being performed.

CTO may not accumulate in excess of hours specified in the applicable Memoranda of Understanding. Use of compensatory time-off earned shall be granted so that it does not unduly disrupt the operations of the City. Separating employees shall be compensated for accrued compensatory hours.

Section 16. Administrative Leave

At the discretion of the City Manager, an employee may be placed on Administrative Leave. While on Administrative Leave, an employee shall receive full pay at his/her base rate of pay and benefits, shall be reachable by telephone and available to report to City Hall or his/her place of employment during normal business hours.

RULE 5 – BENEFITS

Section 1. Benefit Eligibility

In order to be eligible for City payment of benefits, benefits outlined herein or those subsequently granted by the City, a current employee must be in a paid status for fifteen calendar days in the month in which he / she is to receive payment or accrual of the benefits. However, during the first month of employment, new employees shall receive benefits pro-rated to their date of hire, with the exception of the health insurance cafeteria benefit amount, the entire amount of which will be provided to the employee in their first month of hire. In addition, pursuant to health insurance program guidelines, enrollment in a selected health insurance program shall be effective the first day of the month following the date of hire.

Section 2. Vacation

The City of Monrovia recognizes that it is critical for employees to take vacation as a part of both personal relaxation and renewal as well as maintenance of work/personal life balance. Therefore, employees are encouraged to use their vacation time on an annual basis.

Every regular full time employee shall be entitled to the following vacation benefits as specified in the respective Memoranda of Understanding.

1. **Effects of holiday on vacation leave.** In the event that one or more authorized municipal holidays falls within a vacation leave, such holiday shall not be charged as vacation leave, and the vacation may be extended accordingly.
2. **Effects of sick leave on vacation / other leave.** In the event an employee becomes ill during a vacation or other leave period, such time shall not be charged as vacation or other leave if the following conditions are met:
 - a. Notice is given promptly to the employee's supervisor. Sick leave will only be granted for those days on which notice is given to the City on the day of or day after the illness; or
 - b. If requested by the Department Director or his/her designee, the employee submits a doctor's certificate for the period of sick leave.
3. **Scheduling vacations.** An employee may take annual vacation leave at any time during the year, subject to approval by the employee's Department Head based on a determination that such absence will have a minimally adverse effect on City operations. Each employee must consider the needs of the City when requesting vacation leave and therefore are encouraged to request vacation as far in advance as possible but in no case less than two (2) weeks in advance and in writing, unless waived by the Department Head. Vacation must be taken in increments of one (1) hour or more. Any vacation scheduling requirements in respective Memoranda of Understanding shall be adhered to for affected employees.

4. **Vacation pay/separating employees.** Any employee separating from City service shall be paid for all accrued vacation at separation. No leave credit will be earned on such payments. When separation is caused by death of any employee, payment shall be made to the spouse, designated beneficiary or the estate of the deceased employee or, in applicable cases, as provided by the California Probate Code. Separation shall be effective on the employee's last working day.

Section 3. Holidays

Every full time employee shall be entitled to holidays with pay each calendar year and such other days as may be designated by action of the City Council and/or City Manager. The City will create a Holiday Leave Bank and a Floating Holiday Leave Bank for each employee. During the first pay period of each fiscal year, every employee's Floating Holiday Leave Bank will be credited with 20-28 hours of floating holiday leave time based on work schedule and in accordance with respective Memoranda of Understanding. Unless otherwise specified in an applicable Memorandum of Understanding, the holidays recognized by the City are:

Holiday	Day
New Year's Day	January 1st
Martin Luther King Day	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	1st Monday in September
Veteran's Day	November 11th
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	Day after Thanksgiving
Christmas Eve	December 24th
Christmas Day	December 25th
New Year's Eve Day	December 31st
2 Floating Holidays (use or lose)	As approved / scheduled

Floating Holidays will accrue effective the first payroll period following the last full payroll period of the previous fiscal year.

The City Manager is empowered to determine whether the City shall observe special days of declaration by the President or Governor such as a day of thanksgiving or mourning, and is also empowered to declare limited service days. The City Manager will determine if such days are paid or unpaid.

If paid, the time off will not count as hours worked for the purpose of calculating overtime. If unpaid, employees will have the option to work or take the day off. If the employee chooses to take the day off, he / she shall utilize floating holiday,

compensatory time, vacation, or administrative leave, and these hours will not count as hours worked for the purpose of calculating overtime. If no such paid leave is available, the City Manager may grant leave without pay.

If a holiday falls on the employee's regularly scheduled day off, he/she shall bank the hours. Unless otherwise specified in an applicable memorandum of Understanding, banked hours exceeding eighty (80) hours shall be cashed out. Banked holiday hours under eighty (80) shall be carried from one fiscal year to another. However, floating holiday hours may not be carried from one fiscal year to another.

Section 4. Sick Leave

The City of Monrovia recognizes that employees and their family members will become ill or get injured from time to time. To protect the health of others in work place, employees are encouraged to stay home when ill. Employees are also encouraged to recognize that their absence impacts their fellow employees and operational efficiencies. Sick leave is a benefit, not a privilege and should be used only in cases of actual illness or injury of the employee or a family member.

Every regular full time employee shall be entitled to the following sick leave benefits:

1. **Accrual of sick leave.** Employees shall accrue sick leave at the rate of 3.69 hours per month or as specified in respective Memoranda of Understanding.
2. **Proof of illness.** In order to be paid for time while absent from duty on sick leave, the employee must make every good faith effort to notify his / her immediate supervisor prior to the start of the employee's work day. The Department Head may request, for cause, a certificate issued by a licensed physician or other satisfactory proof of illness before sick leave is granted and may request a physician's authorization to return to work if the illness extends beyond three (3) work days. The Department Head may also, at any time, choose a licensed physician to conduct a physical examination of an employee at City expense.
3. **Family sick leave.** In case of illness or injury of a family member, accrued sick leave may be permitted by the Department Head to be used as family sick leave. Family sick leave may only be used when members of the employee's family (spouse, parent, child, brother, sister, or member of the household, domestic partner or child of a domestic partner) are sick/injured and require the immediate attention of the employee. Up to 48 hours of family sick leave in a calendar year shall be excluded when determining the annual Sick Leave Incentive.

Retiring employees may convert unused sick leave for up to one year service credit with Cal PERS.

Section 5. Bereavement Leave

In the event of the death of a member of an employee's family (defined as a spouse, parent, stepparent, sibling, children, stepchildren, grandparent, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandchild, domestic partner, anyone living in the household, or anyone who can be certified as having raised the employee as a child), the employee will be entitled to forty (40) hours paid for

bereavement leave or as specified in respective Memoranda of Understanding. The forty (40) hours Bereavement Leave does not have to be taken consecutively.

Employees may also take time off for bereavement situations for non-immediate family members by utilizing accrued sick leave, compensatory time or vacation leave for such circumstance with the approval of the employee's supervisor or manager.

To be entitled to receive paid time off for bereavement leave, an employee may be required to present written documentation to the City showing that the employee did attend an immediate family member's (as defined in this section) funeral.

Section 6. Jury Leave

All full time employees required to serve on a jury shall be entitled to regular compensation for up to ten (10) days provided the employee deposits fees for jury service with the Finance Department. Any exceptions shall be considered on a case-by-case basis by the employee's Department Director and approved by the City Manager.

Section 7. Military Leave

An employee entitled to military leave shall give his / her Department Head an opportunity within the limits of military regulations to determine when such leave shall be taken. Prior to taking such leave, an employee shall present a copy of his / her military orders to the Department Head. The Department Head shall advise the Personnel Officer of such military orders promptly. Sick leave and annual vacation leave will accrue to the employee during the period of military leave. In the event an employee is called to active duty, he / she shall receive his / her compensation less his / her military pay for up to six months, and all benefits during that period.

Section 8. Leave Of Absence Without Pay

At the sole discretion of the City, an employee may be granted a leave of absence without pay upon the approval of the City Manager and the recommendation of the Department Head. A leave without pay may be granted for any of the following reasons:

- a. Illness or disability; or
 - b. To take a course of study which will increase the employee's usefulness or effectiveness; or
 - c. For approved personal reasons.
1. **Leave without pay.** Generally, an employee shall utilize all vacation, sick, compensatory time, and floating holiday hours prior to taking an authorized leave of absence without pay. Use of the leave of absence for a purpose other than that requested may be cause for forfeiture of reinstatement rights or disciplinary action, up to and including dismissal. While an employee is on Leave Without Pay, he /she will not receive benefits or accruals.
 2. **Authorization procedure.** Requests for leave of absence without pay shall be made in a manner prescribed by the City Manager and shall state specifically the reason for the request, the date to begin the leave, and the probable date of return. The request shall normally be initiated by the employee but may be initiated by the Department Head. The written recommendation of the Department Head that the leave be granted, modified, or denied shall be promptly transmitted to the City Manager. The City

Manager shall then make a decision in writing and transmit the decision to the employee. The decision of the City Manager shall be final. A copy of the Personnel Action form approving the leave of absence without pay shall be delivered promptly to the Finance Department.

3. **Length of leave and extension.** A leave of absence without pay may be made for a period not to exceed one year. The procedure in granting extensions shall be the same as that in granting the original leave provided that the request for extension is made no later than fourteen (14) calendar days prior to the expiration of the original leave. The City will hold open the employee's position for the first thirty (30) days of leave, and thereafter may fill the position with a temporary employee.
4. **Return from leave.** When an employee intends to return from an authorized leave of absence without pay, either before or upon the expiration of such leave, the employee shall contact the Department Head at least fourteen (14) calendar days prior to the planned day of return. The Department Head shall promptly notify the Personnel Officer of the employee's intention.

Employees returning from leave because of illness or disability shall be required to submit an unrestricted release to work from a physician acceptable to the Personnel Officer. Further, such employees may be subject to an examination, at City expense, by a City-approved physician.

Failure on the part of the employee to report for work on the date of leave expiration may constitute the employee's automatic resignation from City service.

5. **Adjustment in performance evaluation and benefit accrual date due to leave of absence.** The granting of any leave of absence without pay exceeding fifteen (15) calendar days in a month or the prorated equivalent for Part-Time employees shall cause the employee's performance evaluation date and benefit accruals to be changed accordingly and proportionately.

Section 9. Maternity / Paternity Leave

The City will grant unpaid maternity / paternity leave of up to four (4) months of leave as needed for pregnancy, childbirth, adoption, or related medical condition. Employees are not required to take the leave in a single block and may utilize accrued sick leave, vacation time, holiday or accrued compensatory time during the leave. For maternity leave situations, the employee shall submit written verification of maternity leave from her doctor or other licensed health care practitioner that she is unable to perform the duties of her job or unable to perform these duties without risk to herself or other persons. Up to 48 hours of sick leave/family leave used for maternity/paternity purposes shall be excluded when determining the annual Sick Leave Incentive. Employees who are determined to be disabled because of pregnancy related symptoms shall be eligible for pregnancy disability leave for up to four (4) months prior to or following the birth. Pregnancy disability leave is in addition to leave available under the Family Medical Leave and/or California Family Rights Acts (see Section 10). Pregnancy Disability Leave is not recognized as a Serious Health Condition under the California Family Rights Act but it is recognized as such under the Family Medical Leave Act. Therefore, any

Pregnancy Disability Leave shall run concurrently with any leave taken under the Family Medical Leave Act.

1. **Written notice.** Employees are required to give the Department Head reasonable written notice of their need for maternity / paternity leave, including a doctor's written confirmation of the need for said leave.
2. **Return to work.** A physician's unrestricted release for work will be required before the employee is allowed to return to work. If an employee takes a maternity / paternity leave, in accordance with the Family Medical Leave Act (FMLA) and California Family Rights Act (CFRA), she / he has a right to return to her / his original job. Should an employee take leave in excess of that allowed by the FMLA and CFRA, the City will make every effort to return her/him to the original position unless (a) the job ceased to exist due to a legitimate municipal reorganization, budget constraints or related issues; or (b) the job was filled because of the City's immediate need to operate the City safely and efficiently.
3. **Transfers.** The Personnel Officer will consider requests, supported by a physician's statement, for transfers, reassignments and/or modified duty of pregnant employees. The employee has a right to return to her original job or a substantially similar job following the end of the need for transfer.

Section 10. Family Leave-Family Medical Leave Act & California Family Rights Act

The City of Monrovia recognizes that employees and their family members will become ill or get injured from time to time.

In accordance with state and federal law, employees who have been employed for at least twelve (12) months and worked at least 1,250 hours of service within the 12-month period shall be permitted to take up to twelve weeks of unpaid leave, exclusive of pregnancy disability leave, in any twelve month period for the purposes of taking care of a seriously ill family member, for the employee's medical necessity, child birth, adoption or foster care. Employees are encouraged to return to work when their health or that of a family member allows as the absence of any employee impacts fellow employees and operational efficiencies.

The City shall continue to pay its contribution to the employee's health insurance premiums during FMLA/CFRA unpaid leave. No other benefits will be received or accrued during unpaid leave. However, if an employee takes family leave time in paid status using his/her accrued sick leave, vacation and compensatory time, he/she will continue to receive and accrue **all** benefits. Such time in a paid status shall run concurrently with FMLA/CFRA leave.

Employees wishing to take FMLA/CFRA leave shall complete required leave forms and submit them to Human Resources.

Section 11. Short and Long Term Disability

The City offers a short-term disability insurance for all full time employees who enroll in the program. The benefit is 60% of the employee's weekly earnings beginning the 30th day after the injury or onset of an illness. The benefit may continue for up to 20 weeks.

To be eligible, the employee must be under the care of a physician. Benefits are reduced if the employee receives Social Security disability insurance, workers' compensation benefits, unemployment benefits or a settlement or judgment for income loss or retirement benefits.

Additionally, the City offers a long term disability insurance for all full time employees who enroll in the program. The benefit is 60% of the employee's earnings to a maximum of \$5,000 per month beginning the 120th day after the injury or onset of an illness. The benefit may continue for up to 24 months. To be eligible, the employee must be under the care of a physician. Benefits are reduced if the employee receives Social Security disability insurance, workers' compensation benefits, unemployment benefits, or a settlement or judgment for income loss.

During the time an employee is receiving short or long term disability benefits, he/she may use accrued sick leave, vacation and/or compensatory time to make up the difference between the disability benefits and his/her base salary, not to exceed 100% of base pay. In the event the employee is simultaneously taking time off under FMLA or CFRA, that time shall run concurrently with FMLA/CFRA. While an employee is on Short or Long Term Disability, he/she shall continue to receive city-paid health insurance benefits but shall not accrue any other benefits.

Section 12. Workers' Compensation

All injuries sustained in the course of employment shall be reported at once to the supervisor, who shall in turn promptly report the same to the Personnel Officer. The Supervisor or Personnel Officer shall authorize medical treatment for the employee at either of the City's medical clinics (US HealthWorks 6520 North Irwindale Avenue Suite 100 Irwindale, CA 91702 (626) 812-0366 and Arcadia Methodist Hospital 300 West Huntington Drive Arcadia, CA 91007 (626) 898-8000.) In the event the employee is physically incapacitated in such a manner as to prevent submission of a report, the Supervisor shall complete and forward the required reports to the Personnel Officer within twenty-four (24) hours following the injury.

1. **Employees (non-sworn).** Whenever any employee is compelled by direction of the City's physician or the employee's physician where the City has not appointed a physician, to be absent from duty on account of injury arising out of and in the course of City employment, and whereby the treatment of that injury has been accepted as a workers' compensation claim, the employee shall receive full salary during the first thirty (30) calendar days of such absence. During the period of time that an employee is receiving full salary, any workers' compensation payments received by the employee or by the City in the employee's behalf shall be paid to the City.

In the event that there is a delay in the determination of whether or not the injury sustained by the employee is work related, and the City's workers' compensation third party administrator delays the determination of whether or not the injury will be accepted as a workers' compensation claim, the employee may elect to utilize any accrued leave time to remain in paid status while off work during the determination period. If it is determined that the injury was work related and the City's workers' compensation third party administrator accepts the workers' compensation claim, the City will restore any leave time utilized by the employee during the determination period.

However, during the determination period, if the employee has no leave available, or if the employee exhausts all of his / her leave time during the determination period, the employee will be placed into a leave without pay status until such time that the determination is made and / or the employee returns to work.

After thirty (30) days, an employee may use accrued sick leave, holiday, vacation leave and/or accrued compensatory time to receive compensation equal to the difference between the compensation to which the employee is entitled under the Workers' Compensation Act (i.e. temporary disability) and his / her regular City salary, not to exceed the amount of earned sick leave and / or vacation leave and/or accrued compensatory time. If the employee elects to apply accrued sick leave, holiday, and/or accrued compensatory time to such absence, he / she shall be entitled to receive compensation for the absence until the accrued sick leave, holiday, vacation leave and/or compensatory time is exhausted.

Any employee shall continue to accrue vacation, holidays, and sick leave, and to earn eligibility for consideration for merit salary increases during an absence resulting from an on-the-job injury providing the employee receives compensation payments under the provisions of the Workers' Compensation Act.

A probationary employee shall be entitled to the same benefits as a regular employee, except, in the event the absence exceeds fifteen (15) calendar days in one month, eligibility for consideration for merit salary increases or regular status shall be adjusted for the same amount of time during which he employee is receiving workers' compensation benefits.

Medical care and payments for permanent disabilities incurred in the course of employment shall be as prescribed by the Workers' Compensation Act.

2. **Sworn Employees.** Whenever a sworn peace officer, sworn fire safety officer, or other employee eligible under Labor Code Section 4850 sustains an injury while actively engaged in law enforcement or fire protection, he / she shall receive compensation as provided under the Workers' Compensation Act. Such officer shall be placed upon leave of absence at full salary and shall be paid by the City for so long as is required by Section 4850 and related sections of the Labor Code. During the time the City is required to pay and actually pays, the employee shall not be entitled to receive any temporary disability payments under the Workers' Compensation Act, and the City shall be entitled to receive all payments which would otherwise be payable to such employee for such temporary disability or upon retirement.
3. **Long-term illness and Labor Code Section 4850 appointments.** The Personnel Officer may declare a position temporarily vacant due to the absence of an employee on leave pursuant to Labor Code Section 4850 or on a long-term illness leave and the position may be filled by a temporary or acting appointment. A person appointed to the position shall sign a statement acknowledging that: 1) the appointment is temporary only, with no attainment of regular status; and 2) if already employed by the City, the

appointee will revert to his / her original position and salary range upon notice from the Personnel Officer.

RULE 6 – GENERAL EMPLOYMENT MATTERS

Section 1. Hours of Work

The average regular work week for full-time employees, with the exception of designated personnel in the Fire and/or Police Department, shall be forty (40) hours.

In certain instances, alternatives to the traditional work schedule may be negotiated for specific work groups or considered for the convenience of the employee. Any schedules for individual employees shall be implemented under the following guidelines:

1. The City or the employee may initiate a request regarding such alternate work schedules.
2. Alternate work schedules shall not reduce service to the public or disproportionately affect the work unit.
3. Such schedules may be revoked by either party upon notice to the other party.
4. Such schedules may continue by mutual agreement of both parties.
5. Employees who perform authorized work in excess of the defined alternate work day or work week and who are otherwise eligible for overtime pay shall be compensated for such work at the rate of one and one half (1 ½) times their regular hourly rate of pay.
6. Employees may be assigned to or from an alternate work schedule only effective at the beginning of a biweekly pay period.

No authorization, except by the Personnel Officer, may be made for an employee to work less than the scheduled work week without a direct proportionate decrease in compensation and benefits.

Section 2. Meal Periods / Rest Periods

Meal periods of at least thirty minutes must be provided whenever an employee is assigned to work a period of more than five hours.

Employees who work at least three and one-half (3 ½) hours must be provided a paid fifteen minute rest period (or break) for each three and one-half (3 ½) hour period worked. State law does not provide for rest period waivers.

Section 3. Attendance

Employees shall be in attendance at their work stations at the appointed time in accordance with the rules regarding hours of work, holidays and leaves. All departments shall keep daily attendance records of employees, which shall be reported to the Administrative Services/Finance Department on the forms and on the dates specified by the Administrative Services/Finance Department. Failure on the part of an absent employee to return to duty, without notifying his/her supervisor, at the conclusion of his / her use of approved vacation, compensatory time, holiday, jury duty, sick leave, or other

paid or unpaid time off may constitute the employee's automatic resignation from City service.

Section 4. Employee Duties in the Event of Emergency

In the event of a local, regional, state, or national emergency, all employees shall be required to report for work or make every reasonable effort to contact his/her supervisor. Alternatively, employees shall report to the nearest City Hall or Emergency Operations Center to provide assistance. Assigned duties may vary from normal duties. In such an emergency, the provisions of these rules are expressly waived.

Section 5. Employee Activities

Full-time employees are expected to devote full time to assigned duties as a City employee. An employee shall not engage in any employment, activity, or enterprise which is inconsistent, incompatible or in conflict with City job duties, functions or responsibilities, nor shall an employee engage in any outside activity which will directly or indirectly contribute to the lessening of effectiveness as a City employee. No employee shall engage in any type of activity relating to an employee organization during such time an employee is on duty, except as expressly provided in these rules and regulations, or by law.

1. **Determination of inconsistent activities.** In making a determination as to the consistency or inconsistency of outside activities, the appointing authority shall consider, among other pertinent factors, whether the activity involves any of the following:
 - a. Employee receipt or acceptance of any money or other consideration from anyone other than the City for the performance of an act which the employee would be required or expected to render in the regular course of City employment; or,
 - b. The performance of an act or work which may later be directly or indirectly subject to the control, inspection, review, audit or enforcement by such employee or other City employees; or,
 - c. The use for private gain or advantage of City time, facilities, equipment and supplies, prestige, influence, or information obtained through one's City office or employment; or,
 - d. The solicitation of future employment with a firm or individual doing business with the City over which the employee has some control or influence in the course of performing official duties.
2. **Improper use of City equipment prohibited.** No city-owned equipment, autos, trucks, instruments, tools, supplies, machines, badges, identification cards, or other items which are the property of the City shall be used by an employee for personal or non-City business reasons except upon approval of the City Manager.

Section 6. Drug and Alcohol Policy

This policy applies to all employees of the City and prohibits the use of alcohol and drugs including all substances, drugs or medications whether prescription or illegal,

which could impair an employee's ability to effectively and safely perform the functions of the job. This policy sets forth the rights and obligations of the City and its employees. The use of or being under the influence of drugs and / or alcohol in the workplace in violation of this policy, shall be grounds for disciplinary action, up to and including termination.

1. **Definitions.** The following definitions will be used when reviewing this policy:

- a. **Alcohol:** The intoxicating agent in beverage alcohol, Ethyl Alcohol, or other low molecular weight alcohol, including Methyl Isopropyl Alcohol.
- b. **City:** The City of Monrovia
- c. **Controlled Substance:** Heroin, Amphetamines (Uppers), Barbiturates (Downers), Benzodiazepines (Tranquilizers, Valium), Cannabinoids (Marijuana), Cocaine, Methaqualones (Quaaludes, Downers), Opiates (Codeine, Morphine), Phencyclidine, and PCP; including prescription medications and drugs, and any drugs with an impairing effect.
- d. **Employee:** An individual in the service of the City, when the City has the right to control and direct that individual in the performance of their job and / or duties; any individual who works for the City.
- e. **Employer:** The City of Monrovia, including its agents, officers and representatives.
- f. **Impair:** To make worse or diminish an employee's ability to perform his / her job duties.
- g. **Intoxicated:** Mental and/or physical impairment caused by the consumption of alcohol and / or use of drugs.
- h. **Medical Review Office:** The agency responsible for receiving laboratory results generated by the City's Drug and Alcohol Testing Program which has knowledge of substance abuse disorders and has individuals with the appropriate medical training to interpret and evaluate an individual's confirmed positive test results together with his / her medical history and any other relevant biomedical information.
- i. **Prescription Drugs:** Drugs which are administered by an individual who is licensed, certified, and / or registered, in accordance with applicable federal, state, local, or foreign laws and regulations to prescribe such controlled substances and other drugs.
- j. **Reasonable Suspicion For Referral To A Medical Professional:** A belief based on objective facts sufficient to lead a reasonably prudent supervisor or person to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform

the functions of the job is impaired or so that the employee's ability to perform his / her job safely is reduced. When an employee shows signs of impairment, such as difficulty in maintaining balance, slurred speech, erratic or atypical behavior, has been involved in an accident resulting in injury or no less than moderate property damage, has alcohol on his / her breath, or otherwise appears unable to perform his / her job in a safe or satisfactory manner, he / she shall be referred to a medical professional for evaluation.

- k. **Reasonable Suspicion For A Medical Professional To Administer A Drug / Alcohol Test:** Except for employees subject to the United States Department of Transportation (DOT) rules relating to drug testing, the City may not give, or require an employee to submit to a drug screen of any type as a condition of continued employment without reasonable suspicion. Reasonable suspicion shall be based on circumstances where the City has information about an employee's conduct that would cause a reasonable person to believe the employee is demonstrating signs of impairment due to alcohol or illegal drugs or has used or is under the influence of alcohol or illegal drugs on City property. When an employee shows signs of impairment, such as those described above, he / she shall be referred to a medical professional who shall evaluate the employee and, based on the evaluation, determine whether a test for drugs and / or alcohol shall be administered.
- l. **Subject To Duty:** Includes any and all time, from the time an employee begins to work or is required to be ready for work until the time he / she is relieved from work and all responsibility for performing such work.
- m. **Under The Influence:** Any condition where alcohol or drugs has so far affected the nervous system, brain or muscles of an individual as to impair, to an appreciable degree, his / her ability to operate and / or function in the matter that an ordinary, prudent and cautious person, in full possession of their faculties, using reasonable care, would operate or function under like conditions.

2. **Employee responsibilities.** An employee must:

- a. Not possess or use alcohol (unless at a city-sponsored or sanctioned event) or be under the influence of impairing drugs, including illegal drugs and prescription drugs without a prescription, during working hours or while subject to being called for duty, on breaks, during meal periods or at any time while in a City facility.
- b. Not directly or through a third party, sell or provide drugs or alcohol to any person, including any employee while either or both employees are on duty or subject to being called to duty;
- c. Submit immediately to an alcohol and drug test when requested by a City representative subject to the provisions contained in this policy;

- d. Notify a supervisor, before beginning work, when taking any medications or drugs, prescription or non-prescription, which may interfere with safe and effective performance of duties or operation of agency equipment; and
 - e. Provide, within forty-eight (48) hours of request, unless extraordinary and unusual circumstances exist, bona fide verification of a current valid prescription for any potentially impairing drug or medication identified when a drug screen / test is positive. The prescription must be in the employee's name.
3. **Management responsibilities and guidelines.** Managers and supervisors are responsible for reasonable enforcement of this policy and for notifying employees of the Employee Assistance Program. Managers and supervisors may request that an employee submit to a drug and / or alcohol test when a manager or supervisor has a reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol while on the job or subject to being called.
4. **Education and training.** Employees shall be advised in writing of the City's Alcohol and Drug Abuse Policy and Program. Information provided shall cover aspects of the policy, including the reasons for the program, benefits for the employees and the City, employee assistance programs, effects of alcohol and drugs on individuals and their families, use of observations, alcohol tests and drug tests. Managers and other selected employees shall attend at least one hour of training (at City expense) on alcohol misuse and at least one hour of training on controlled substances misuse, to include the following issues:
- a. Employee Assistance Programs (EAP)
 - Alcohol and drug abuse recognition, symptoms and effects.
 - Methods of identifying and helping employees who might be suffering from personal problems that could signal possible alcohol or drug problems.
 - Methods of referring employees who may be subject to the effects of alcohol and / or drugs to the EAP
 - b. City policies and procedures related to handling employees who appear to be subject to the effects of alcohol and / or drugs.
 - c. Documentation of observations and impressions of persons who may be subject to the effects of alcohol and / or illegal drugs.
 - d. Alcohol and drug testing policy, rules, procedures, and safeguards.
 - e. Benefit programs and alternatives available.

- f. Safety aspects of alcohol or drug problems in both work and social environment.
- g. "Reasonable suspicion" supervisors shall receive specialized training in accordance with Department of Transportation (DOT) requirements.

5. **Employee Assistance Program (EAP).** It is the policy of the City to offer referral to appropriate education, prevention, counseling, treatment and rehabilitation programs and services to employees and their eligible dependents when alcohol or drug abuse, individual psychological problems; marital, family or child difficulties, work stress, or financial or legal concerns arise which may impact the employees' work performance. The City will provide an active EAP to assess and refer employees and their eligible dependents to appropriate education, prevention, counseling, treatment, or rehabilitation services.

It is the responsibility of each employee to seek assistance from the EAP before the employee's alcohol or drug problems lead to disciplinary action. An employee's decision to seek voluntary help from the EAP shall not be used as a basis for disciplinary action against the employee.

In order for the employee's decision to enter the EAP to be considered voluntary, the employee must seek to enter the EAP prior to a referral for purposes of obtaining a breath alcohol test; or a drug test which substantially tests positive; or mandatory referral by the employee's supervisor. The confidentiality of individuals utilizing the EAP will be protected within the limits of the law.

A Supervisor or Department Director may make a mandatory referral to EAP if an employee is exhibiting behaviors that would indicate reasonable cause for such a referral. In such a case, the only information the city will receive from EAP is confirmation of employee attendance at session(s).

6. **Alcohol and drug testing.** A certified and licensed provider shall describe the method in which the initial alcohol and / or drug test will be conducted, how the sample will be processed after the drug and / or alcohol test is completed, and how a confirmatory test after an initial positive result will be performed. All first positive drug tests will be tested a second time using gas chromatography before any positive result is reported to the City.
- a. **Testing based on reasonable cause.** Except for Department of Transportation (DOT) regulated employees, the City may not give or require any employee to submit to a drug screen of any type as a condition of continued employment without reasonable suspicion. Reasonable suspicion shall be based on circumstances where the City has information about an employee's conduct that would cause a reasonable person to believe the employee is demonstrating signs of impairment due to alcohol or illegal drugs or has used or is under the influence of alcohol or illegal drugs on City property.

When an employee shows signs of impairment, such as difficulty in maintaining balance, slurred speech, erratic or atypical behavior, or otherwise appears unable to perform his / her job in a safe or satisfactory manner, the employee is to be referred for evaluation by a medical professional.

- If judged appropriate by a medical professional, after assessment of the employee, a test for alcohol shall be conducted and / or a urine specimen for drug testing shall be required.
- When the City has a reasonable suspicion that an employee is in violation of these Rules and Regulations or city or department policy on use of alcohol or drugs a test for alcohol and / or a urine specimen for drugs testing shall be required. The decision to require an employee to submit to an alcohol and / or drug test shall be made by two management officials which may include law enforcement officer(s). One of these officials will have received specific training in the methods of identifying employees who may be subject to the effects of alcohol and / or drugs and has the experience and knowledge to evaluate the facts of the situation which caused the suspicion that an employee is in violation of the City's Rules of Conduct.

b. **Post-accident testing.** Post-accident drug and alcohol testing will be conducted on employees following an accident where the employee's performance cannot be discounted as a contributing factor. The only reason an employee will not be tested is if a determination is made that the employee's performance could not have been a contributing factor. If a fatality occurs, the employee will be tested irrespective of whether his / her performance may be discounted. Post-accident alcohol tests shall be administered within (8) hours following an accident. A post-accident drug test shall be administered within thirty-two (32) hours following an accident.

An accident is defined as an incident involving a vehicle or other motorized equipment where, as a result of damage:

- a vehicle must be transported away from the site of the accident; and / or
- a vehicle cannot be operated from the site in its usual manner without some repair and / or maintenance; and / or
- a vehicle can be operated from the site in its usual manner but will later require some repair and / or maintenance for safe operation; and / or

- bodily injury occurs to the driver and / or other individual(s) which requires medical attention to said driver and / or individual; and / or which results in death.
- c. **Positive test for alcohol or drugs.** An employee whose alcohol or drug test is positive will be considered in violation of City policy. A positive drug and / or alcohol test may result in disciplinary action, up to and including termination. If the drug screen is positive, the employee must provide within forty-eight (48) hours of request bona fide verification of a valid current prescription for the drug identified in the drug screen. The prescription must be in the employee's name. If the employee does not provide acceptable verification of a valid prescription, or if the prescription is not in the employee's name, or if the employee has not previously notified his or her supervisor, the employee will be subject to disciplinary action up to and including termination.

If an employee tests positive for alcohol or drugs, the City shall conduct an investigation to gather all facts. The decision to discipline or discharge will be carried out in accordance with the City's pertinent discipline procedures.

- **Positive Test** – A positive alcohol test shall measure blood alcohol level of 0.02 or higher. An employee whose alcohol test indicates an alcohol concentration level of 0.02 or higher will be removed from his / her position.
- **First Positive** – The employee shall be placed on an immediate leave of absence, referred to an EAP, and given the option of participating in City directed counseling and assistance or a City approved alcohol or drug treatment program.
 1. An employee will not be paid during his / her leave of absence. However, an employee may use any of his / her accumulated leaves or vacation time. Current benefit coverage will continue during this time.
 2. An employee will be given a Last Chance Agreement which explains the consequences of a second positive test after returning to work. The employee must sign this Agreement to return to work after the treatment recommended by the City, including and not limited to treatment by the City's medical office.
- **Second Positive** – If within one year of the First Positive, an employee again tests positive for either alcohol or drugs, the employee will be terminated pursuant to the terms of the Last Chance Agreement.

- d. **Refusal to consent to action plan following positive test.** Refusal to submit to testing will result in discipline, up to and including termination. The employee will be treated in the same manner as an employee who has tested 0.02 or greater on an alcohol test or positive on a controlled substance test. Upon refusal, the employee will be reminded of the City's drug and alcohol policy and his or her responsibilities pursuant to the policy. If reasonably believed to be impaired, the employee will not be allowed to continue working.

Refusal to submit to an alcohol or controlled substances test as required by this Policy is defined as, but not limited to, the following:

- A refusal to provide a urine sample for a drug test;
 - An inability to provide a urine sample without a valid medical explanation;
 - A refusal to complete and sign the breath alcohol testing form or otherwise cooperate with the testing process in a way that prevents the completion of the test;
 - An inability to provide breath or to provide an adequate amount of breath without a valid medical explanation;
 - Tampering with or attempting to adulterate the urine specimen or collection procedure;
 - Not reporting to the collection site in the time allotted by the supervisor / manager who directs the employee to be tested;
 - Leaving the scene of an accident without a valid reason as to why authorization from a supervisor or manager was not first obtained.
- e. **Procedure for alcohol or drug testing.** The procedure for alcohol and / or drug testing includes:
- *Consent* – No alcohol test may be administered, urine sample obtained or any drug test conducted on such sample without the written consent of the person being tested. Employees have the right to request to have a representative present prior to testing.
 - *Post-Collection Interviews* – After a positive alcohol or drug test, individuals will be thoroughly interviewed by a licensed medical physician to determine if there may be any medications (prescription or non-prescription legal) or other substances that may have been inhaled, ingested, or injected in the past two weeks which could result in a positive test.

- *Alcohol Testing* – The administration of an alcohol test shall be in accordance with the test equipment manufacturer's instructions and the procedures outlined in the Federal Register.
- *Chain of Custody* – Collection and shipment of all urine samples will follow strict chain of custody procedures defined as acceptable to law enforcement agencies.
- *Drug Testing* – The obtaining of a urine sample for drug testing and the testing of such sample shall be conducted in accordance with prescribed procedures and protocols as set forth in this policy.
- *Retention of Sample* – All urine samples confirmed positive for illegal drugs will be frozen by the testing laboratory and retained for a minimum of one year.
- *Confidentiality* – The identities of employees who have tested positive shall be limited to those persons having a need to know.

Section 7. Smoking

For the health and safety of employees and the public, smoking and vaping are prohibited in all City facilities, vehicles and parks. In addition, smoking is prohibited within 25 feet of any City owned facility.

Section 8. Discrimination / Harassment / Retaliation in Employment

Harassment of an applicant or employee by a supervisor, management employee, co-worker or any other employee on the basis of or perceived basis of or association with race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex, sexual orientation, gender identification or age is discriminatory conduct which is a violation of state and federal law and will not be tolerated by the City of Monrovia. Further, the City of Monrovia will not tolerate bullying of any kind between employees, officers or members of the public.

Disciplinary action, up to and including termination, shall be taken promptly against any employee, supervisory or non-supervisory, engaging in discrimination, harassment, or retaliation. The City of Monrovia will not tolerate any form of discrimination, harassment, retaliation or bullying in the work place from anyone.

1. Definitions.

- a. **Verbal Harassment.** For example, epithets, derogatory comments, or slurs on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex, sexual orientation, gender identification or age.
- b. **Physical Harassment.** For example, assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual on the basis of race,

religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex, sexual orientation, gender identification or age.

c. **Visual Forms of Harassment.** For example, derogatory posters, notices, bulletins, cartoons, or drawings on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex, sexual orientation, gender identification or age.

d. **Sexual Favors.** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which is conditioned upon an employment benefit, unreasonably interferes with an individual's work performance, or creates an offensive work environment.

2. **Department Director.** The Department Director has the responsibility to provide a workplace free from discrimination, harassment, bullying and retaliation. In addition, the Department Director must report any complaint of discrimination, harassment, bullying or retaliation to the Personnel Officer and refrain from engaging in any harassment activities.

3. **Employee responsibility.** The employee has the responsibility to report any discrimination, harassment, retaliation or bullying he / she may observe and to refrain from engaging in any harassment. Employees may be liable for any attorney fees and / or awards if accused and / or found guilty of harassment.

4. **Initial resolution of issues.** Every effort shall be made to resolve the problem informally at the lowest level of supervision. If the supervisor is the person accused of the discrimination, harassment, bullying or retaliation the next level of supervision or the Personnel Officer shall be contacted.

5. **Claim procedure.** An employee who feels he / she has been the victim of discrimination, harassment, bullying or retaliation shall contact his / her immediate supervisor or the Personnel Officer is strongly encouraged to report the allegation within twenty-one (21) calendar days so the City can promptly investigate the alleged incident. This initial contact can be oral or written, but a written and signed statement of the complaint must be submitted to the Personnel Officer by the complaining employee within three days of the initial report so that an investigation can proceed. Employees may be represented, by an individual of their choice, throughout the investigative process.

a. Upon receipt of the written complaint, the Personnel Officer shall authorize or conduct an investigation into the alleged harassing conduct, which shall include interviews of all persons involved in or witness to the alleged conduct. The investigation shall be conducted in a way which ensures, to the extent feasible, the privacy of the parties involved.

- b. Employees shall cooperate with any investigation conducted by the City or its agents regarding any alleged act of discrimination, harassment, bullying or retaliation.
- c. Upon conclusion of the investigation, the Personnel Officer shall prepare a written summary of the investigation and determine whether or not the allegations are sustained. Both parties shall be notified of the Personnel Officer's determination.
- d. If it is determined that discrimination, harassment, bullying or retaliation has occurred, appropriate disciplinary action up to and including termination shall be taken. The severity of the discipline shall be determined by the severity and / or frequency of the offense.
- e. Under no circumstances shall any employee retaliate in any way against any employee who has made a complaint or who has provided information as a witness to an incident of alleged harassment. Incidents of retaliation shall be reported and investigated in the same manner as set forth in this procedure. A finding that a claim of retaliation was sustained shall result in appropriate disciplinary action, up to and including termination of the retaliating employee.
- f. Employees are strongly encouraged to report an occurrence of discrimination, harassment, bullying or retaliation within twenty-one (21) days of the alleged conduct so the City can promptly address the allegation. Failure to file a written complaint within three days of the initial report shall be considered a withdrawal of that report. If the person against whom the complaint of discrimination, harassment, bullying or retaliation is filed fails to respond to the complaint within seven days of notification, the complaint shall be taken as true and appropriate disciplinary action, up to and including termination, shall be taken in accordance with the City personnel rules and regulations.
- g. In addition to the complaint procedure outlined above, employees may also file complaints with the State Department of Fair Employment and Housing (1-800-884-1684) and / or the Federal Equal Employment Opportunity Commission (1-800-669-4000).

Section 9. Layoff Procedure

The City of Monrovia recognizes that the well-being of employees and their families is largely dependent on continued employment. Therefore, prior to initiating any layoffs, the City will explore all alternatives, including but not limited to reorganization, hiring freeze, salary/benefit freeze, salary/benefit reduction and/or furloughs. During consideration of any potential layoff(s), as well as prior to implementation of any layoff(s), the City will meet with employee representatives to reviews these alternatives, the proposed layoffs, process, and impacts.

Should salary/benefit reductions evolve as the option to be implemented, salary and benefit reductions shall be applied pursuant to the following process:

- The City Manager's salary/benefits shall be reduced first, before the salary/benefits of any other employee is impacted. Furthermore, the City Manager shall take the largest salary reduction by percentage in the City.
- After the City Manager's salary/benefits are reduced, Department Directors shall be the next group to experience salary/benefits reductions, and only after that can salary/benefit reductions can be applied to all other staff.

Any employee who is laid off shall receive three (3) months severance pay at his/her base rate of pay and benefits. Additionally, any laid off employee shall continue receive his/her city paid health insurance benefit (not to include cash in lieu) for three (3) months following the effective date of the layoff.

Should the City Council determine lay-offs to be necessary to meet the organizational needs of the City, the City Manager shall implement the following procedure:

1. In determining the order of lay-offs, a combination of factors shall be considered, including but not limited to: qualifications, productivity, general performance, knowledge, abilities, skills and the needs of the City.
2. Qualifications, productivity, and general performance will be determined using, but not limited to, the following criteria:
 - a. An employee's last four performance evaluations, if in existence.
 - b. An employee's knowledge, abilities, skills, training, certifications and education.
 - c. Any history of employee commendations, awards, etc.
 - d. Any history of employee written disciplinary action.
 - e. Attendance record, including tardiness and unexcused absences.
 - f. Safety record, including personal injury and damage to City property.
 - g. Employee's date of hire with the city and date current position/rank was attained.
3. Lay-offs shall be administered by the department in the following order:
 - a. Temporary employees
 - b. Part-time employees
 - c. Probationary employees.
 - d. Regular employees, including full-time and part-time employees.

4. In the event that a less senior employee in a classification to be laid-off has superior skills, abilities, qualifications, merit and record, the more senior employee shall be laid-off.
5. Employees may be recalled based on their qualifications, availability, and the needs of the organization.
6. If returned to work within one (1) year of a lay-off, an employee shall be reinstated with the amount of sick leave which had been accrued at the time of layoff. Credit shall be granted for prior service in terms of benefit accruals, seniority and any other employment related benefits.
7. In the event it is determined a Fire Department Engine Company is to be taken out of service, representatives from the City and Fire Department shall meet and confer to discuss and determine alternatives, if any, within the guidelines of the these layoff procedures.

Section 10. Disciplinary Procedure

The following governs the City's disciplinary procedures:

1. Regular employees shall be disciplined only for cause. For purposes of this Section, disciplinary action shall be defined to include: oral warnings, written reprimands, suspensions, demotions, reductions in pay or discharge.
2. Except in emergencies, or as authorized by law, suspensions of three (3) calendar days or more, demotions, reductions in pay or discharge, shall not be put in effect until the employee has received written notice advising the employee of the proposed action, the reason(s) therefore, the facts giving rise thereto, the proposed effective date, access to written material that forms a basis for the proposed action, and the opportunity to respond to the Department Head orally or in writing within fourteen (14) calendar days of receipt of such notice. If deemed necessary by the Department Head, an employee may be placed on administrative leave with pay pending investigation of allegations that may lead to discipline. Employees placed on paid administrative leave must be reachable by telephone and available to report to work during normal business hours. If a disciplinary action is imposed, the employee may then appeal such action in accordance with the Grievance Procedure.
 - a. In the event that an investigation into allegations that could lead to discipline is required, the following provisions shall apply:
 - i. Employee interviews that are conducted as part of the investigation shall be coordinated during reasonable hours.
 - ii. Any employee subject to an investigation that could result in the employee facing disciplinary and / or punitive action shall have the right to have a bargaining unit or other representative present during any interview process.

- iii. During the course of any investigation, employees shall provide complete and truthful responses to the questions posed during interviews.
3. Grounds for disciplinary action include, but are not be limited to:
 - a. Dishonesty;
 - b. Incompetence;
 - c. Inefficiency;
 - d. Neglect of duty;
 - e. Negligence which affects the safety of the employee or of others;
 - f. Violation of the employee drug and alcohol abuse policy;
 - g. Unexcused or excessive absences, including tardiness;
 - h. Violation of the rules, regulations or orders established by a supervisor, department, or City Council;
 - i. Conviction of a crime which adversely affects employment;
 - j. Discourtesy to the public, fellow employees, elected or appointed officials;
 - k. Misuse or abuse of City property or equipment or the property/equipment of fellow employees, elected or appointed officials;
 - l. Substandard job performance;
 - m. Insubordination;
 - n. Outside employment which conflicts with the employee's position and not specifically authorized by the Department Director;
 - o. Falsification of any City report or record (including application form);
 - p. Other acts which are incompatible with service to the public including, but not limited to, any conduct or behavior, either on or off duty, which causes discredit or would reasonably tend to cause discredit to fall upon the City, its officers, agents or departments.
4. Upon request by an employee, disciplinary action(s) shall be removed from the employee's permanent personnel file five (5) years from the date of the action provided there have been no subsequent, related disciplinary actions.

Section 11. Grievance Procedure

The following governs the City's grievance procedures. Alternative grievance procedures included in respective Memoranda of Understanding shall apply to affected employees.

1. **Definition.** A grievance is an alleged violation of these Personnel Rules and Regulations, any current Memorandum of Understanding, or written City policy.

2. **Procedure.**

a. Informal Grievance Procedure

The grievant and the City's representative shall make every effort to resolve the grievance at the lowest level of supervision. Thus, the grievant shall attempt to discuss the grievance with the immediate supervisor before resorting to the Formal Grievance Procedure, below. However, if the grievant is unable to resolve the grievance informally before the time period for filing a Formal Grievance expires (15 calendar days from the date the grievance allegedly occurred), the grievant may proceed to the Formal Grievance Procedure in accordance with the time limits therein.

b. Formal Grievance Procedure

i. **First Level of Review.** The grievant shall present the formal grievance in writing either to his / her supervisor or to the immediate supervisor of the employee who is the subject of the grievance being filed. The formal written grievance must be presented within fifteen (15) calendar days from the alleged occurrence of the violation. The written grievance shall contain the following information:

1. Name of grievant and job title;
2. Department / Division;
3. Clear and concise statement of the nature of the grievance including the circumstances and dates involved;
4. The specific provision(s) of the Personnel Rules, City Policy, or Memorandum of Understanding alleged to have been violated;
5. Requested remedy;
6. Name of the grievant's representative, if any;
7. Date and signature of the grievant.

The supervisor shall render a decision and comments in writing and return them to the grievant within fifteen (15)

calendar days after receiving the written grievance. If the grievant does not agree with his / her supervisor's decision or if no answer has been received within the specified time period, the grievant shall present the grievance in writing to the Department Director or the Department Director's designee within fifteen (15) calendar days of the date the supervisor's decision is rendered or should have been rendered pursuant to the specified time period.

- ii. **Second Level – Department Review.** The Department Director or his / her designee shall discuss, upon request, the grievance with the grievant, the grievant's representative, if any, and with other appropriate persons. The Department Director or designee shall render his / her decision and comments in writing and return them to the grievant within fifteen (15) calendar days after receiving the formal written grievance or after the meeting with the grievant, whichever is later. If the grievant does not agree with the decision reached or if no answer has been received within the specified time period, the grievant may appeal the formal grievance to the next level of the grievance procedure. In order to do so, the grievant must submit the grievance to the Personnel Officer, along with a written request that the grievance be considered at the Third Level, within fifteen (15) calendar days of the date the Department Director's decision is rendered, or should have been rendered, pursuant to the specified time period.
- iii. **Third Level – Advisory Arbitration.** To activate advisory arbitration, the grievant must, within fifteen (15) calendar days of the Department Director's decision, present the grievance, in writing, to the Personnel Officer for further processing. Failure of the grievant to take this action will constitute a waiver and bar to further processing of the grievance.
 1. The scope of advisory arbitration of grievances shall be limited to discharges, demotions, or reduction in pay, or suspensions of three (3) calendar days or more without pay. The grievant may waive the right to go to advisory arbitration and instead go directly to the Fourth Level (City Manager). All other grievances shall bypass the third level of the grievance procedures and advance to the Fourth Level.
 2. The City Manager and the grievant shall request a list of five arbitrators from the California State Mediation and Conciliation Service.
 - a. By mutual agreement of the grievant and the City, advisory arbitration may be waived. In such case, the grievance shall be reviewed by

City Manager in accordance with the procedures outlined in the fourth level.

3. An arbitrator shall be selected by the following procedure:
 - a. The grievant and / or a representative of the grievant, along with the City's representative, shall select the arbitrator from the California State Mediation and Conciliation Service list by eliminating names until one name remains. The one remaining name shall be the arbitrator. All grievances reaching the arbitration level shall be numbered consecutively for the current fiscal year. The odd-numbered grievances will give the grievant first elimination; the even-numbered grievances will give the City first elimination.
 - b. Once the arbitrator has been selected, hearings shall commence at the convenience of the arbitrator. The technical rules of evidence shall not apply during the arbitration hearing.
 - c. The arbitrator shall be strictly bound by the time limits set forth in the grievance procedure and shall not entertain any grievance in which the grievant has not adhered to such time limits.
 - d. Employees called as witnesses shall be scheduled to be released from duty to testify at the hearings. The parties recognize that due to the essential nature of the services performed by the employees, scheduling of time for each employee to testify at arbitration shall be in such a manner so that normal operations are not disrupted.
 - e. The jurisdiction of the arbitrator shall be confined to a determination of the facts and the interpretation of the provisions of the Memorandum of Understanding and / or the Personnel Rules and Regulations. The arbitrator will have no power to add to, subtract from, or modify the terms of any Agreement or the written policies, rules, regulations and procedures of the employer.
 - f. Within thirty (30) calendar days after the conclusion of the hearing, the arbitrator shall

render an advisory decision in writing to the parties (including the City Manager).

- g. The arbitrator's fees and expenses shall be borne equally by the City and the employee. Any other costs shall be borne by the party incurring such expenses.

iv. **Fourth Level – City Manager.** If the grievance is submitted to the City Manager for review and settlement, the Personnel Officer, in non-arbitral cases, may elect the methods he / she considers appropriate for the study of the issues and shall render a written decision to the parties within fifteen (15) calendar days. Notwithstanding the above, upon the grievant's request, the matter shall be submitted to mediation prior to the Personnel Officer's determination.

1. For all cases involving advisory arbitration recommendations, the City Manager shall review the entire matter within fifteen (15) calendar days after receipt of arbitrator's recommendations and render a decision.
2. The City Manager may amend, modify, or revoke the recommendation of the arbitrator. This includes, but is not limited to, the City Manager's right to reduce or increase the degree and type of discipline imposed. In all cases, the decision of the City Manager shall be final and binding.

c. General Provisions

- i. The grievant is entitled to representation of his / her choice at any point in the grievance procedure.
- ii. Failure by the grievant to meet any of the specified time lines shall constitute a withdrawal and waiver of the grievance. Failure by the City to meet any of the specified time lines shall entitle the grievant to appeal to the next level of review.
- iii. Since it is important that grievances be processed as rapidly as possible, the number of days indicated at each level shall be considered as maximum, and every effort should be made to expedite the process. If the last day of the specified time period falls on the weekend or a City observed holiday, it shall be moved to the next working day. Otherwise, the time specified may be extended only by mutual written consent.
- iv. Probationary employees may not grieve a rejection from probation.

- v. Employees shall be assured freedom from reprisal for exercising their rights to utilize the grievance procedure.
- vi. The Personnel Office shall act as a central repository for all grievance records.
- vii. Any decision or finding involving an unbudgeted expenditure must be submitted to the City Council for ratification before that decision can become final and binding.
- viii. Failure on the part of an employee or his / her representative to appear in any case before an arbitrator without good cause shall result in forfeiture of the case and responsibility for payment for all associated costs by the employee.

RULE 7 – TRAINING

Section 1. Intent

The City of Monrovia is committed to providing personal and professional development training opportunities for all employees. These opportunities may be required to expand job knowledge and upgrade skills, help meet minimum requirements for a particular position, prepare the employee for another position within the City, or complete a college degree program.

Furthermore, the Personnel Officer shall encourage the improvement of service delivery, effectiveness and efficiency by providing employees with opportunities for training, including training for both employee advancement and improvement of public services. It is the intent of the City to involve employees in determining the types of Citywide training programs that will be offered.

Section 2. General Provisions

Eligibility for reimbursement of costs incurred for formalized training by employees shall be in accordance with regulations established by the City Manager.

APPENDIX A – PART-TIME EMPLOYEES

Section 1. Part-Time Job Categories

Part-time employees working for the City will fall into one of the following categories:

1. **Three-quarter Time Employees.** Three quarter time employees are those employees who work 30 hours per week on a regular, year round basis. In addition to statutory benefits, three quarter time employees shall be enrolled in CalPERS, receive health insurance benefits as specified in applicable Memorandum of Understanding, accrue sick leave at the rate of 1 hour for every 30 hours worked to a maximum of 48 hours, accrue vacation at the rate of .75 hours for every 30 hours worked to a maximum of 40 hours and shall be paid for the Thanksgiving Day and Christmas Day holidays.
2. **Hourly Employees.** Hourly employees are those who work seasonally and/or less than 1,000 hours per fiscal year, or who work an average of 19 hours or less per week but may work up to 28 hours per week. Hourly employees are eligible for statutory benefits only, including workers' compensation, sick leave (1 hour for every 30 hours worked up to a maximum accrual of 48 hours) and enrollment in an alternative retirement program. Additionally, hourly employees who have remained in an active status for worked twelve (12) consecutive months shall be eligible for vacation to be accrued at the rate of .5 hours for every 30 hours worked to a maximum of twenty four (24) hours. Hourly employees who are hired on a seasonal basis may be retained as hourly employees to work special events or other assignments throughout the year and may be eligible for rehire for subsequent seasonal work.
3. **Paid-Call / Seasonal / Reserve Employees.** Paid-Call, Seasonal and Reserve, Employees are those employees who work less than 1,000 hours per fiscal year, or who work an average of 19 hours or less per week, on a seasonal and / or as-needed basis during the course of a year. Employees in these categories are eligible for statutory benefits only, including workers' compensation, sick leave and enrollment in an alternative retirement program.
4. **Volunteer Employees.** Volunteer employees shall not receive any compensation but are covered under workers' compensation.

The Personnel Officer shall prepare job titles and descriptions for each position in every part-time classification listed above.

Retired annuitants do not receive benefits under this section.

Positions filled by three quarter time employees shall be represented by the employee group to which the classification is assigned.

Section 2. Compensation

The Personnel Officer shall prepare or have prepared a Part-Time Employee Compensation Plan which includes salary ranges covering all part-time classifications in the service, showing the minimum and maximum rates of pay.

Section 3. Performance Evaluation

Part-time employees shall be evaluated on a regular basis, and at least once a year on the employee's anniversary date and shall be eligible for merit increases based on performance.

Section 4 Full-Time Appointment

In the event a part-time employee is appointed to a full-time position, the effective date of the employee's service anniversary date shall be the date he/she was hired part-time. The employee's performance evaluation date shall be based on the date he/she is appointed to the full time position. Any accrued leave hours at the time of full-time appointment shall be credited to the employee.