

CITY OF PERRIS



PERSONNEL RULES AND REGULATIONS

Adopted by City Council on March 13, 2012

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RULE 1. PURPOSE

These Rules and Regulations are established as a revision to and in accordance with the City of Perris Municipal Code, as adopted by the City Council on June 1, 1993.

These Rules and Regulations are intended to implement the personnel system established by means of Chapter 4 of the City of Perris Municipal Code and to insure that the basic principles and objectives embodied therein are fulfilled, to wit:

- I. The establishment of an equitable and uniform procedure for dealing with personnel matters.
- II. The recruitment to City service of the most competent personnel available.
- III. The assurance that appointment and promotions of personnel shall be based upon merit and fitness.
- IV. The provision for a reasonable degree of security for qualified personnel with satisfactory performance.
- V. These Rules shall be subordinate to all applicable State and Federal laws.
- VI. All City Department rules or regulations shall be subordinate to these Rules and Regulations.

RULE 2. DEFINITIONS

The terms of these Rules shall have the meaning indicated as follows unless the context clearly indicates otherwise:

2.01 ALLOCATION

The assignment of a position to its proper classification in accordance with its duties and levels of responsibility.

2.02 APPOINTING AUTHORITY

The City Manager.

2.03 APPOINTMENTS

- I. Original – The initial appointment of an employee to a position in the Classified Service.
- II. Promotional – A subsequent appointment of an employee to a higher position in the Classified Service.
- III. Temporary Appointments – The appointment of an eligible or, where no employment list exists, a qualified person to fill a position in the Classified Service for a limited period of time.
- IV. Interim – An appointment made to a position for a limited period of time not to exceed 18 months.

2.04 CANDIDATE

An applicant accepted for participation in the examination process.

2.05 CERTIFICATIONS

The submission of names of eligibles from an appropriate list or lists to a Department Head by the Personnel Officer.

2.06 CITY

The City of Perris.

2.07 CLASS

A group of positions sufficiently similar in the duties performed, authority, and responsibility, to permit grouping under the same title, applying the same tests for fitness for qualification, the same compensation and applying the same basic minimum qualifications.

2.08 CLASSIFIED SERVICE

Those positions or classes of positions set forth in Rule 3 of these Regulations.

2.09 CLASSIFICATION PLAN

The arrangement of positions in classes, together with the title and specification describing each classification.

2.10 DEMOTION

A change of status of an employee from a position in one classification to a position in another carrying a lower maximum rate of pay.

2.11 DISCHARGE/DISMISSAL

Removal of an employee from City employment.

2.12 ELIGIBLE

Any person on an open-competitive or promotional employment list for a given classification.

2.13 EMPLOYMENT LIST

- I. Open-Competitive – a list of candidates who have qualified in an examination open to all qualified individuals and who are eligible for appointment.
- II. Promotional – a list of candidates who have qualified in an examination open only to qualified City employees and who are eligible for appointment.
- III. Re-employment – a list of former employees who have been laid off and who are eligible for re-employment in their former classification or in a comparable classification carrying the same or lower maximum rate of pay.

2.14 IMMEDIATE FAMILY

Employee's spouse, parents, children, sister, brother, grandparents, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandchildren, step-parents, step-children, half-brother, half-sister and a domestic partner as defined in Family Code Section 297.

2.15 LAYOFF

Termination of employment due to lack of work, funds, need, reorganization or contracting out of the City service.

2.16 LEAVE OF ABSENCE

Permission to be absent from duty for a specified purpose, with the right to return before or upon the expiration of the leave period.

2.17 REGULAR EMPLOYEE

A classified employee who has successfully completed the probationary period.

2.18 REGULAR POSITION

An ongoing budgeted position in the classified service.

2.19 PERSONNEL ORDINANCE

[CHECK MUNICIPAL CODE.]

2.20 PERSONNEL OFFICER

The City Manager or his/her designated representative.

2.21 POSITION

A combination of duties regularly assigned to be performed by one person.

2.22 PROBATIONARY EMPLOYEE

An employee who has been appointed to a position who has not completed the probationary period and serves at the will of the appointing authority. Such employee shall be subject to rejection from City employ without any show of cause being made, irrespective of the person serving in an entry level promotional or other position. Any individual rejected from a promotional classification shall be restored to the immediate prior classification held if the position remains vacant. If the rejected probationary promotional employee had satisfied his/her probationary requirements in the prior classification, then a new probationary period shall not be required in the classified position, to which the employee may be returned.

2.23 PROBATIONARY PERIOD

- I. A period after appointment of at least twelve months of continuous service during which an employee is required to demonstrate fitness for the position to which appointed by actual satisfactory performance of the duties of the position.
- II. Absences from work for twenty (20) or more working days during the probationary period, regardless of the reason or cause for the absence, shall automatically, and

without further notice being provided to the employee, cause the probationary period to be extended by the total number of days of absence.

2.24 PROMOTION

The movement of an employee from one class to another class having a higher maximum rate of pay. No individual shall be eligible for promotion without first having successfully completed a probationary period in the employee's current class.

2.25 INTERIM APPOINTMENT

An appointment of a person who possesses the minimum qualifications established for a particular class and who has been appointed to a position in that class in the absence of an available eligible.

2.26 RECLASSIFICATION

Change of classification of a position where the duties have changed materially to a more appropriate class, whether new or existing.

2.27 SUSPENSION

The temporary separation from the service of an employee without pay, for disciplinary purposes.

2.28 ADMINISTRATIVE LEAVE

A non-disciplinary, temporary separation from service of an employee, with pay, for legitimate business reasons such as a pending investigation and/or any other reasons determined by the City to be in the best interests of the City.

2.29 TRANSFER

A change of an employee from one position to another position in the same class or in a comparable class.

2.30 WORKING DAYS

Those days of the week that the employee is scheduled to work.

2.31 BUSINESS DAYS

Those days of the week that the City is open.

2.32 DAYS

Calendar days unless otherwise indicated.

RULE 3. COVERAGE

These Rules and Regulations shall apply only to personnel holding positions in the Classified Service unless a broader coverage is expressly extended by a specific provision or procedure contained herein.

The Classified Service shall consist of all regular full-time and regular part-time positions except:

- I. The City Manager, Assistant City Manager, Assistant to the City Manager and City Attorney.
- II. All Department Heads.
- III. All elected officials and members of appointive boards, commissions and Committees.
- IV. All temporary personnel whether employed directly by the City or retained under contract for services.
- V. All volunteers including interns.

Nothing herein shall preclude the City Council, upon recommendation of the City Manager, from extending a provision or provisions of these rules to all or certain categories of non-classified personnel.

RULE 4. GENERAL PROVISIONS

4.01 AMENDMENTS TO RULES

- I. Amendments to these Rules shall be made to or proposed by the City Manager to the City Council. Notice of proposed amendments shall be publicly posted and furnished to each recognized employee organization two weeks prior to consideration by the City Council. Such notice shall include the content of the proposed amendment as well as the date, time and place on which it is to be heard by the City Council. The parties shall then be provided an opportunity to meet and confer regarding the proposed changes. At the time of consideration, interested parties may appear and be heard.
- II. Amendments to these Rules shall be by Resolution and shall become effective upon adoption by the City Council.

4.02 EQUAL EMPLOYMENT OPPORTUNITY

No question in any test, in any application form, or in any other personnel proceeding, or by any City official or employee, shall be so framed as to attempt to elicit information concerning political or religious affiliations of an applicant, candidate, eligible, or employee. No appointment to or removal from a position in the City service shall be influenced in any manner by consideration of race, sex, sexual orientation, age, political affiliation or belief, physical disability, mental disability, marital status, or medical condition. Reasonable accommodation requests may be submitted in writing with the job application.

4.03 OUTSIDE EMPLOYMENT

A City officer or employee shall not engage in any employment, enterprise, or outside activity which is in conflict with his/her duties, functions, responsibilities, or the department by which he/she is employed, nor shall he/she engage in any compensatory outside activity which will directly, or indirectly, contribute to the lessening of his/her effectiveness as a City employee.

I. Authorization

- A. Any officer or employee wishing to engage in an occupation or outside activity for compensation shall inform the Department Head in writing of such desire, providing information as to the time required and the nature of such activity, and such other information as may be required; and the Department Head shall determine whether or not such activity is compatible with the employee's City employment.
- B. The Department Head shall issue a written recommendation either approving or rejecting such outside activity and shall submit his/her recommendation to the City Manager for final determination to be issued within 10 business days of the application having been submitted.
- C. Said authorization shall be valid only for the work and period prescribed therein.

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II. Determination of Inconsistent Activities

In making a determination as to the consistency or inconsistency of outside activities, the City shall consider, among other pertinent factors, whether the activity;

- A. Involves the use for private gain or advantage of City time, facilities, equipment, and supplies, or the badge, uniform, prestige, or influence of one's City office or employment;
- B. Involves accepting money from anyone other than the City for performing an act which the employee would be required or expected to perform in the regular course of his/her City employment.
- C. Involves the performance of an act in other than his/her capacity as a City officer or employee which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement by such officer or employee or the department by which he/she is employed;
- D. Involves conditions or factors which may directly or indirectly lessen the efficiency of the employee in his/her regular City employment or conditions in which there is a substantial danger of injury or illness to the employee.
- E. Any other outside activities that may bring discredit to the City.

III. Revocation

Outside work permits may be issued for such length of time as noted in the permit, and all permits are subject to revocation by the City Manager.

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IV. Use of City Equipment Prohibited

- A. City-owned equipment, including vehicles, trucks, instruments, tools, supplies, machines, or any other item which is the property of the City shall not be used by an officer or employee while said officer or employee is engaged in any outside employment or activity for compensation, or otherwise, except upon prior written approval of the City Manager.
- B. No officer or employee shall allow any unauthorized person to rent, borrow, or use any of the items mentioned in (a) above, except upon prior written approval of the City Manager.

V. Violations and Penalties

Any violation of the provisions herein contained respecting outside employment or activity and use of City property shall constitute sufficient grounds for disciplinary action.

VI. Appeal

An employee may appeal a denial of his/her request for outside employment pursuant to the grievance procedure contained herein.

4.04 POLITICAL ACTIVITIES

The political activities of all City employees shall be governed by the provisions of applicable State and Federal law.

4.05 DEPARTMENT RULES

Each Department in the City may adopt its own policies and procedures to further clarify procedure within that department. Where conflicts arise between the City's Personnel Rules and Departmental Rules and Regulations, the City Personnel Rules shall prevail.

4.06 PHYSICAL AND MENTAL REQUIREMENTS; FITNESS FOR DUTY

The City requires that prior to and after appointment, employees be in physical and mental condition which will allow them to perform the essential functions of their job. An employee unable to perform the essential function of his/her position may be subject to a fitness for duty evaluation consistent with Federal and State law. Such evaluation may be performed by a qualified physician and/or mental health practitioner designated by the City and shall be at the City's expense.

4.07 ANTI-HARASSMENT POLICY

I. Purpose

The City is committed to providing a work environment free of discriminatory harassment. This Policy defines discriminatory harassment and sets forth a procedure for the investigation and resolution of complaints of such harassment by or against any employee or applicant or from a person providing services pursuant to a contract.

II. Policy

Discriminatory harassment violates this Policy, and will not be tolerated. Discriminatory harassment of an applicant or employee or person providing services pursuant to a contract is harassment based on actual or perceived race, religious

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creed, sex, national origin, ancestry, disability, medical condition, marital status, age, sexual orientation and/or sexual identity. It is prohibited to retaliate against any individual for making a complaint of discriminatory harassment or for participating in a harassment investigation. Retaliation constitutes a violation of this Policy.

This Policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, transfer, training opportunities and compensation.

Employees who violate this Policy may be subject to disciplinary action up to and including termination.

III. Definition

Harassment can consist of virtually any form or combination of verbal, physical, visual or environmental conduct. It need not be explicit, nor even specifically directed at the victim. Sexually harassing conduct can occur between people of the same or different genders.

Harassment includes, but is not limited to, the following misconduct:

A. *Verbal*

Inappropriate or offensive remarks, slurs, jokes or innuendoes based on actual or perceived race, sex, sexual orientation, age, political affiliation or belief, physical disability, mental disability, marital status, or medical condition. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status, pregnancy or sexual orientation; unwelcome flirting or

propositions, demands for sexual favors, verbal abuse, threats or intimidation of a sexual nature; or sexist, patronizing or ridiculing statements that convey derogatory attitudes about a particular gender.

B. Physical

Inappropriate or offensive touching, assault, or physical interference with free movement when directed at an individual on the basis of actual or perceived race, sex, sexual orientation, age, political affiliation or belief, physical disability, mental disability, marital status, or medical condition. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, massaging, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures.

C. Visual or Written

The display or circulation of offensive or derogatory visual or written material related to race, sex, sexual orientation, age, political affiliation or belief, physical disability, mental disability, marital status, or medical condition. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

D. Environmental

A work environment that is permeated with sexually-oriented talk, innuendo, insults or abuse not relevant to the subject matter of the job. A hostile environment can arise from an unwarranted focus on sexual topics or

sexually suggestive statements. An environment may be hostile if unwelcome sexual behavior is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his or her immediate surroundings. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's work.

Romantic or sexual relationships between supervisors and subordinate employees are prohibited.

By definition, harassment is not part of any employee's job functions and is not within the course and scope of an individual's employment with the City.

IV. Prohibited Supervisory or Managerial Behavior

- A. No supervisor, manager, or other authority figure may condition any employment, employee benefit or continued employment at the City on an applicant's or employee's agreement or consent to any of the behavior defined above.
- B. No supervisor, manager, or other authority figure may retaliate against any applicant or employee because that person has opposed a practice prohibited by this policy or has filed a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing conducted by an authorized investigator.

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- C. No person shall destroy evidence relevant to an investigation of harassment discrimination.

V. Behavior Prohibited From All Persons

- A. No supervisor, manager, or any other person at the City shall create a hostile or offensive work environment for any other person by engaging in any discriminatory harassment or by tolerating it on the part of any employee.
- B. No supervisor, manager, or any other person at the City shall assist any individual in doing any act which constitutes discriminatory harassment against any employee of the City.

VI. Obligations of All Employees

- A. All employees shall report any conduct which fits the definition of discriminatory harassment to their immediate supervisor or any manager. This includes conduct of non-employees such as sales representatives or independent contractors or harassing conduct toward such contractors.
- B. All persons should report to their supervisor, manager or the Human Resources Manager any instances of discriminatory harassment which they have directly observed, whether or not reported by the employee who is the object of the harassment.
- C. All employees shall cooperate with any investigation of any alleged act of discriminatory harassment conducted by the City or its agents.

VII. Investigative/Corrective Action

- A. All persons shall immediately report any evidence of discriminatory harassment or complaints regarding discriminatory harassment made to them to their supervisor, manager, or to the Human Resources Manager. Any supervisor or manager who receives a complaint regarding discriminatory harassment shall immediately report it to the Human Resources Manager.
- B. The Human Resources Manager shall authorize the investigation or conduct the investigation of any incident of alleged discriminatory harassment reported to him/her. The investigation shall be conducted in a way which ensures, to the extent feasible, the privacy of the parties involved.
- C. If the complaint of harassment involves the Personnel Officer, the complaint shall be reported to the Human Resources Manager or other authorized person who will either conduct or authorize the investigation of the complaint.
- D. The person designated to investigate shall report the findings of fact to the Personnel Officer or Human Resources Manager or other authorized designee, if the complaint is against the Personnel Officer. The Personnel Officer, Human Resources Manager or other designee will determine whether the Policy has been violated and communicate the conclusion to the complainant.
- E. Disciplinary action shall be decided in accordance with these Rules.

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- F. Under no circumstances shall an employee of the City, who believes that he or she has been the victim of discriminatory harassment, be required to first report that harassment to a supervisor or manager if that person is the individual who has committed the harassment.
- G. All supervisors and managers are required to maintain confidentiality, to the extent possible, in communicating or investigating any claims of alleged harassment.

4.08 ANTI-RETALIATION POLICY

I. Policy

It is the policy of the City to prohibit the taking of any adverse employment action against those who, in good faith, report, oppose or participate (as witnesses or as accused) in investigations into complaints of alleged violations of City policy or state or federal law in retaliation for that reporting, opposition or participation. Disciplinary action, up to and including termination, will be taken against an employee or officer who is found to have violated this policy. Any elected official or contractor who violates this policy against retaliation will be subject to appropriate sanctions.

II. Policy Coverage

This policy against retaliation prohibits City officials, officers or employees from retaliating against applicants, officers, officials or employees because of any protected activity as defined herein.

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III. Definitions

A. *“Protected Activity” includes any of the following:*

1. Filing a complaint with a Federal or State enforcement or administrative agency.
2. Participating or cooperating with a Federal or State enforcement agency that is conducting an investigation of the City regarding unlawful activity.
3. Testifying as a party, witness, or accused regarding alleged unlawful activity.
4. Associating with another employee who is engaged in any of the protected activities enumerated here.
5. Making or filing an internal complaint with the City regarding alleged unlawful activity.
6. Providing informal notice to the City regarding alleged unlawful activity.
7. Calling a governmental agency’s “Whistleblower hotline.”
8. Refusing to follow directives which the employee has a good faith belief is unlawful.

B. *“Adverse action” may include any of the following:*

1. Real or implied threats of intimidation to attempt or prevent an individual from reporting alleged wrongdoing or because of protected activity.

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2. Refusing to hire an individual because of protected activity.
3. Denying promotion to an individual or salary increase because of protected activity.
4. Taking any form of disciplinary action because of protected activity.
5. Extending a probationary period because of protected activity.
6. Altering work schedules or work assignments because of protected activity.

IV. Complaint Procedure

An applicant, employee, officer or official who feels he or she has been retaliated against in violation of this Policy should immediately report the conduct according to the City's Harassment Complaint procedure so that the complaint can be resolved.

RULE 5. PERSONNEL OFFICER

The City Manager, or his/her designated representative, shall be the Personnel Officer. In this capacity, the City Manager, or his/her designated representative, shall be responsible for discharging the following functions related to the administration of the City personnel system:

- I. Administer all provisions of Rule 4 of these Rules except as may be specifically reserved to the City Council.
- II. Prepare and recommend to the City Council amendments to these Rules.
- III. Authorize the classification and pay plan encompassing positions in the Classified Service and revisions thereto.
- IV. Oversee the complete examination and selection process for positions in the Classified Service, including the publication of examination announcements, the development of appropriate examinations and the certification of individuals eligible for appointment.

Nothing herein shall preclude the Personnel Officer from recommending to the City Council that any one or more of the aforementioned functions be performed under contract by a qualified person, agency or organization.

RULE 6. CLASSIFICATION AND PAY PLAN

6.01 PREPARATION OF PLAN

The Personnel Officer shall ascertain and record the duties and responsibilities of all positions in the classified service and shall recommend a classification plan for these positions. The classifications plan shall consist of classes of positions in the classified service defined by class specifications. The classifications plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same class, and that the same schedules of compensation may be made to apply with equity under similar or comparable working conditions to all positions in the same class based on levels.

6.02 ADOPTION AMENDMENT AND REVISION OF PLAN

The classification plan shall be adopted by the City Council and may be amended as necessary. During the process of consideration, any recognized employee organization affected shall be given reasonable written notice of proposed classification plan changes and the opportunity to meet and confer with the representatives of the City Council regarding the impact of proposed changes. Pursuant to Government Code Section 3504.5, such opportunity to meet prior to adoption of a classification plan shall be suspended in cases of an emergency. Amendments and revisions of the plan may be suggested by any interested party, including any recognized employee organization and shall be submitted to the City Manager.

6.03 THE PLAN

The Plan shall cover all positions in the Classified Service.

The Plan categorizes job classifications into the following general class levels:

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I. Administrative, Maintenance and Technical

Which include the following classification levels:

- A. Entry level;
- B. Journey level;
- C. Advanced journey level;
- D. Lead level; and

II. Professional

Which includes the following general class levels:

- A. Entry level;
- B. Journey level;
- C. Advanced journey level; and

III. Supervisory and Management

Which includes the following general class levels:

- A. Supervisor;
- B. Manager/Superintendent;

IV. Flexible Staffing

The Plan will also include flexible staffing and the City may choose to flexibly staff positions within any class series containing an entry and a journal level position.

A. *Eligibility for Career Level Advancement*

After gaining the experience and knowledge to perform the full range of journey level tasks and fulfilling any special requirements for the journey or "II" level, the employee could reasonable expect to progress to that level

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based upon successful performance and experience documented by performance evaluation reviews and recommendation of the immediate supervisor and department head. Employees will be eligible to advance to the next class level as follows:

1. Employees may be eligible for a classification level advance after receiving two (2) consecutive Performance Evaluation Reports with an overall “Exceeds Requirements” or “Outstanding” rating;
2. Employees may be eligible for a classification level advance after receiving three (3) Performance Evaluation Reports with an overall “Satisfactory” rating.

B. The following classes may be subject to flexible staffing:

1. Accountant I/II;
2. Accounting Specialist I/II/III;
3. Administrative Assistant I/II/III;
4. Animal Control Officer I/II/III;
5. Assistant/Associate Planner;
6. Building Technician I/II/III;
7. Code Compliance Officer I/II/III;
8. Combination Inspector I/II/III;
9. Community Development Technician I/II/III;
10. Intern I/II/III;
11. Maintenance Worker I/II/III;

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12. Recreation Leader I/II;
13. Recreation Supervisor I/II;
14. Water Maintenance Worker I/II/III.

Depending on the circumstances, the City reserves its rights to amend, revise or delete classifications that are subject to flexible staffing.

6.04 MAINTENANCE OF PLAN

- I. When it is proposed that a new position be created in the Classified Service or an existing one reclassified or abolished, the Department Head or manager proposing such action shall submit the justification therefore to the Personnel Officer who shall conduct whatever study may be required.
- II. The Personnel Officer shall have the authority to initiate at any time a study to determine the appropriateness of any position's classification and/or compensation allocation.
- III. The Personnel Officer shall make the final determination on all actions arising under this provision, subject to approval by the City Council where the determination results in an amendment to the Plan. As applicable, recognized employee organizations shall be provided thirty (30) days advance notice of the City's intent to reclassify or abolish a classification and to accordingly engage in the meet and confer process regarding the same.

6.05 SALARY ADMINISTRATION

- I. Original Appointment

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Upon Original appointment, the employee shall be assigned the first step in the salary range allocated to the classification; provided, however, that the appointing authority may appoint at other than the first step if he/she determines that it is not feasible or is not in the best interest of the City to appoint the new hire at that level.

II. Promotional Appointments

Upon promotional appointments within the Classified Service, the employee shall be assigned that step in the new range which produces the equivalent of at least one full step salary increase over the employee's former salary step. This provision, however, shall not require placement of any employee at a salary level in excess of the fifth step of the new range.

III. Subsequent Steps

1. Advancement to higher steps in the employee's salary range shall be determined by length of service at the current salary step and by job performance.
2. Eligibility for such step increase shall be as follows:
 - A. Second Step - Upon completion of twelve months satisfactory service as set forth in these Regulations.
 - B. Subsequent Steps – Advancements shall not be automatic but shall depend upon meritorious service value of an employee to the City as exemplified by recommendations of his/her supervisor, length of service, performance record, special training undertaken, or other information found in the employee's annual evaluation report or

personnel file. Any such step advancements shall be effective on the employee's pay anniversary date.

6.06 ANNIVERSARY DATE

- I. The employment anniversary date shall be the date of hire under an original appointment to a position in the Classified Service. Irrespective of subsequent personnel transactions which affect an employee's pay status, the employment anniversary date shall remain unchanged and be controlling for purposes of establishing total time in the Classified Service and for establishing eligibility for such service related benefits as vacation leave.
- II. An employee recalled pursuant to Rule 14.04 shall have his/her anniversary date adjusted by a period of time equivalent to the length of time that the recalled employee was not in service to the City.
- III. Pay anniversary dates shall be modified to reflect changes in appointment status such as promotion, demotion or reclassification. Modifications to such dates shall coincide with the effective date of the change in appointment status. The new pay anniversary date shall control for purposes of determining eligibility for future merit increases in the new class.

RULE 7. RECRUITMENT OF PERSONNEL

7.01 JOB ANNOUNCEMENTS

- I. All recruitments for classifications in the Classified Service shall be initiated by posting announcements of the vacancies at all City departments followed by other sources as are deemed necessary by the Office of Human Resources to attract a sufficient number of qualified applicants.
- II. Announcements shall specify:
 - A. The class title
 - B. The current monthly salary range.
 - C. The minimal job requirements.
 - D. The place and last date to file an application.
 - E. Such other information as will assist applicants in understanding the nature of employment and the specific examination process.

7.02 APPLICATIONS FORMS

All applications for employment must be made on official, standard forms furnished by the City or through the official City website, if available, and submitted online. Employment applications shall not be returned to the individual applicant, nor shall the names of any applicant be made public. Information requested on the application form shall be relevant and conform to applicable state and federal law.

7.03 ACCEPTANCE OF APPLICATION

- I. In order to be accepted, all applications must be submitted by the official closing date of the filing period, be complete and bear an original signature of the applicant.

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Applications submitted online do not require the original signature. Failure to conform to these requirements shall result in rejection of the application. In addition, an application may be rejected on any of the following grounds:

A. Disqualification

The Personnel Officer may disqualify any applicant either before or after the examination process for any of the following reasons:

1. The applicant is applying for a position within the same department or administrative unit as a member of his/her immediate family.
2. The applicant is an immediate family member of an employee and is applying for a position where there is a potential for creating adverse impact on supervision, safety, security or morale.
3. Failure to possess the minimal requirements stated in the announcement or bulletin.
4. The applicant is physically or psychologically unfit for the performance of the duties of the position and the City could not reasonably accommodate the applicant.
5. To the extent permissible under federal and state law, an applicant will be disqualified if the applicant has been convicted of a crime.
6. The applicant has previously been dismissed from employment with the City of Perris.

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7. The applicant has had his/her privilege to operate a motor vehicle in the State of California suspended or revoked by the California Department of Motor Vehicles, if driving is job-related.
 8. The applicant has made any false statement of any material fact or practiced any deception or fraud in his/her application or any part of the examination process.
 9. For any material cause which, in the judgment of the Personnel Officer, would render the applicant unfit for the particular position for which the application is filed.
- II. The foregoing shall also constitute grounds for disqualification or discharge at any point during or subsequent to the examination process, or following appointment.
- III. The Personnel Officer shall establish, prior to the commencement of recruitment, the closing date for applications which may be accepted for the examination. Positions may be recruited on an “open until filled” deadline. This condition shall be clearly stated in the examination announcement and shall be administered in accordance with the date and time on which the individual application is received by the Personnel Office.

7.04 NOTICE TO REJECTED APPLICANTS

Each applicant rejected for examination shall be so notified by means of regular mail directed to the address shown on the application.

RULE 8. EMPLOYMENT EXAMINATIONS

8.01 TYPES OF EXAMINATIONS

- I. Prior to the distribution of any examination announcement, the Personnel Officer and Department Head shall determine whether the examination is to be administered on an open- competitive basis or on a promotional basis.
- II. Where an open- competitive examination is to be utilized, applications may be accepted from any qualified individual subject to any limitations imposed on the scope of recruitment or by the number of applications.
- III. Promotional examinations shall be open only to City employees who meet the minimum qualifications for a position. Applications may be accepted from probationary employees who meet the minimum qualifications for a position provided that the probationary period must be satisfied prior to appointment.
- IV. At the discretion of the Personnel Officer and to the extent permissible under any memoranda of understanding, the examination may be administered on both an open- competitive and promotional basis. In such instances, eligibles on the promotional employment list shall be certified ahead of those on open competitive lists.
- V. In making a determination concerning the type of examination to be conducted, the Personnel Officer shall consider such relevant factors as the complexity of the work performed by the classification and the known labor market for such personnel which are likely to yield a sufficient number of qualified applicants. Wherever feasible and consistent with the best interests of the City service and applicable memoranda of

understanding, promotional opportunities shall be provided to employees in the Classified Service.

8.02 EXAMINATIONS FOR EMPLOYMENT LISTS

The Personnel Officer may, as needs of the service require, conduct recruitment for certain classes of employment on a continuous basis which would permit the acceptance, testing and placement of qualified applicants on open employment lists as they become available. This type of examination shall only be utilized where the need for qualified personnel occurs frequently and/or where there is demonstrated shortage of qualified persons. This process may either be instituted on an interim or permanent basis and, in all cases, shall be administered in full compliance with applicable provisions of these Rules.

8.03 COMPONENTS OF EXAMINATIONS

The Personnel Officer shall adopt selection techniques which are impartial and related to the essential requirements of the job classification. The examination for a given class of employment may include one or more of the following components:

- I. An evaluation of each application accepted using objective and standard criteria to measure the candidate's qualifications in terms of training and experience.
- II. A written or computer based test measuring the candidate's job knowledge or skills.
- III. A performance test whereby candidates demonstrate the degree of job knowledge and ability possessed.
- IV. A personal interview designed to evaluate the candidate's personal characteristics, background and job knowledge.
- V. A physical examination, as appropriate.

- VI. Such other examination which, in the judgment of the Personnel Officer, is necessary to evaluate the candidate's capacity to perform the job task. These may include, but will not be limited to, a psychiatric examination, drug and alcohol testing, background investigation and reference checks.

8.04 CONDUCT OF EXAMINATIONS

It shall be the responsibility of the Personnel Officer to assure that the examination process is conducted in an objective, timely and efficient manner. With prior approval of the City Council, the Personnel Officer may contract with any competent individual, organization or agency for preparation and/or administration of any given examination or portion thereof.

8.05 SCORING OF EXAMINATIONS

- I. A candidate's final score in the examination shall be the average of the candidate's score in each competitive part of the examination.
- II. Failure on the part of a candidate to pass any one phase of the examination shall result in that candidate being eliminated from consideration for employment. Candidates shall be required to attain a score of not less than seventy-five percent (75%) on each component of each test. However, the minimum passing point need not be the arithmetic 75% of the total possible score, but may be an adjusted score based upon consideration of the difficulty of the test, the quality of competition and the needs of the City service. Some examinations may be subject to pass or fail scores.

8.06 NOTICE OF EXAMINATIONS RESULTS

Each candidate in an examination shall be sent written notice of the final results of examination, and if successful, of his/her being placed on the employment list.

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Protests to the accuracy of scoring may be submitted to the Personnel Officer or designee, and he/she may take such corrective measures as appropriate.

8.07 APPEALS TO CITY MANAGER

- I. The City Manager shall consider appeals from final ratings under the following conditions:
 - A. Where the candidate alleges personal prejudice was exercised against him/her in the conduct and/or scoring of the examination or a part of the examination.
 - B. Where collusion, malpractice, or fraud is alleged to have been perpetrated in any part of the examination process.
- II. Upon receipt of such appeals, the City Manager may undertake any action as he/she deems necessary. The decision of the City Manager shall be final. If he/she finds the allegations of the appellant meritorious, he/she may take appropriate action as provided in these Personnel Rules, which may include the declaration of the subject examination, and all lists resulting therefrom, to be null and void, the granting of an appropriate makeup examination to the aggrieved candidate, the disqualification of any other candidate in said examination, or any combination of these or other authorized actions as is appropriate. During the course of said appeal to the City Manager, no permanent appointment shall be made to the position for which the examination was given. Where the need of the City requires, an interim appointment may be made; however, the interim employee shall have no vested

property interest in the position and may be removed from the position without any showing of cause and without administrative or judicial appeal or any other recourse.

8.08 RETENTION OF RECORDS

Applications and related examination records shall be retained pursuant to City resolutions governing retention and destruction of records.

RULE 9. EMPLOYMENT LISTS

9.01 PREPARATION OF EMPLOYMENT LISTS

Upon completion of scoring of the examination, the names of the successful candidates shall be listed by the Personnel Officer or designee on the employment list, if any, in the order of highest score. If the examination was given on both a promotional and open competitive basis, one joint list shall be formed.

9.02 DURATION OF EMPLOYMENT LISTS

- I. Employment lists shall become effective upon the Personnel Officer's certification that the lists were prepared in accord with the Rules and represent all the successful candidates whose names appear thereon.
- II. Employment lists shall be effective for a period of three months from the date of their establishment, provided that the City Manager may extend the period not to exceed twelve months. The City Manager may abolish an employment list before the expiration of the one-year period and request a new examination and the preparation of a new employment list for any class or position in those instances where less than three (3) candidates remain on the list.

9.03 REMOVAL OF NAMES FROM EMPLOYMENT LISTS

The Personnel Officer may remove the name of any eligible candidate from an employment list for any of the following reasons:

- I. Any of the conditions in Rule 7.03.
- II. On evidence that the eligible candidate cannot be located at the given address. Failure to reply within five (5) calendar days to a letter requesting information as to

availability for appointment or failure to notify the Personnel Office of any change of address resulting in the return of letters.

- III. Upon receipt of a written or verbal statement from the eligible candidate declining appointment and stating that he/she wishes his/her name to be removed from the employment list.
- IV. If an offer of regular full-time employment in the class for which the employment list was established has been declined by the eligible candidate.
- V. The name of an employee who leaves the employ of the City (except through layoff) shall be removed from any promotional eligibility list.

9.04 AVAILABILITY OF ELIGIBLE CANDIDATE

It shall be the responsibility of eligible candidates to notify the Office of Human Resources in writing of any change of address or other change affecting availability for appointment. The Personnel Officer shall determine the availability of eligible candidates and may indicate the conditions under which appointment may be offered. Eligible candidates who do not indicate willingness to accept employment under the offered conditions will be considered to have waived an offer of appointment and shall be removed from the list.

9.05 RE-EMPLOYMENT LIST

- I. A regular employee laid off in accordance with Rule 14 of these Regulations shall be placed on a re-employment list for his/her former classification. Where more than one employee in the same classification is laid off, the names of such employees shall be placed on this list in accordance with the date of layoff. An employee reinstated

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following a layoff of six months or less shall retain his/her original hire and anniversary date in the classification from which laid off.

- II. Employees placed on such a list shall remain eligible for recall for a period of one year from the effective date of layoff. Re-employment may be in the employee's former classification or in a comparable classification which does not carry a higher maximum rate of pay and which the employee is qualified to perform as determined by the Personnel Officer. Recall shall be in the reverse order of layoff with the last employee to be laid off to be the first employee offered re-employment. In any instance where two or more employees were laid off on the same date, then recall shall be based upon City-wide seniority among such employees on the date of layoff.
- III. An employee refusing re-employment in his/her former classification shall automatically be removed from the re-employment list.
- IV. Any employee recalled from a re-employment list six (6) months or more after layoff or other separation shall be deemed a probationary employee and shall be required to complete the probationary evaluation period applicable to the re-employed individual's position, as a prerequisite to attaining regular status.

9.06 REMOVAL FROM LISTS

The Personnel Officer shall remove the names of eligibles from promotional and open-competitive employment lists for any of the following reasons:

- I. Upon written request of the eligible.
- II. Upon appointment to a permanent position in the class for which the list was established.

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- III. Upon failure of the eligible to respond within ten (10) calendar days of a notice of certification sent by certified mail to his/her last address of record.
- IV. Upon the eligible having waived certification; or refused appointment one time.
- V. Upon resignation, layoff or discharge from the City service.
- VI. On any of the grounds set forth in Rule 7.03 of these Regulations.
- VII. For failure of the eligible to continue to meet the minimum qualifications or standards established for the class.
- VIII. Failure to submit to fingerprinting and/or background investigation. Notification of removal, and the reasons therefore, shall be sent to the eligible by certified mail at his/her last address of record.

RULE 10. EMPLOYMENT APPOINTMENTS

10.01 FILLING OF VACANCIES

- I. Except as otherwise provided herein, vacancies in the classified service shall be filled by appointment in the following order:
 - A. Re-employment following layoff.
 - B. Promotional.
 - C. Reinstatement (Non-entry level positions).
 - D. Open-competitive.

- II. In those instances where the vacancy exists in an entry level position within any given department, said vacancy shall be filled by use of an appropriate eligibility list. In any case where a vacancy is to be filled by use of an eligibility list, for each vacancy that is to be filled, three (3) names shall be certified to the appointing authority for consideration for appointment. The certified names shall be in numerical order (highest score certified first, etc.) of their ranking on the eligibility list. The appointing authority shall then select any of the named eligibles to the vacancy(ies) regardless of their ranked position on the certified list. Individuals on the eligibility list that are not chosen shall not be provided an explanation and no right of appeal shall exist regarding the selection process. Any certified individuals not appointed to a vacant position shall be restored to the eligibility list and shall resume ranking in order of their scores relative to the other individuals on the list.

- III. The identical procedure for filling of entry-level vacancies shall be employed in filling vacancies via a promotional or open-competitive process.

10.02 TEMPORARY APPOINTMENTS

- I. The Personnel Officer may authorize temporary appointments to meet employment needs such as periods of peak workload, illness, pending the establishment of a new eligible list or where the ongoing need for a position has not been determined.
- II. The Personnel Officer may appoint any qualified employee into a temporary position.
- III. Unless extended by the Personnel Officer, temporary appointees shall not be employed for more than 1000 hours in a fiscal year.
- IV. Temporary employees who have not attained permanent status shall not be covered by these Rules nor shall the period of temporary appointment constitute satisfactory completion of any part of a probationary period for any class in the Classified Section.

10.03 ALTERNATE EMPLOYMENT LISTS

In the absence of an existing employment list for a classification in which a vacancy exists, the Personnel Officer may authorize certifications from an active list for another classification having similar duties and employment standards. Appointments made in this manner shall be the equivalent in all respects to having been appointed from a list for the classification in which the vacancy occurred.

10.04 NEPOTISM POLICY

I. Purpose of Policy

It is an express finding of the City that the situation specified in this Section, of the employment of relatives as that term is defined herein, may not be ethical to

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appropriate City goals of supervision, safety, security, morale and efficiency. The purpose of this section is to define those specific circumstances and to delineate the manner in which such employment issues will be addressed.

II. Definition

For purposes of this section, “relative” means spouse, child, step-child, parent, step-parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, cousin, parent-in-law, brother-in-law, sister-in-law, domestic partner or any other individual related by blood, marriage or law. “Employment” is defined as a relationship between the City and an individual where services are rendered by the individual and compensation for such services is either paid from City funds or from third party grants or monetary sources which are paid to the individual because of his/her rendering of services at the request and direction of the City.

III. Relationships Post-Employment

Subject to those procedures applicable to City employees who become related after commencement of City employment, relatives of the following City officials and/or employees shall not be employed at any time by the City:

- A. City Council members.
- B. Standing Board and Commission members.
- C. Executive and confidential employees of the City.
- D. Employees of the City Manager’s Department/Office.
- E. Employees of the Personnel Department.

IV. Inter-Departmental Employment Relationship

It is found by the City that a business purpose exists and dictates that a prohibition on employment of relatives within City departments is essential to supervision, safety, security, morale and efficiency when such employment would result in any of the following:

- A. Such employment results in a supervisor-subordinate relationship.
- B. Such employment results in the employees having job duties which authorize performance of shared duties on the same or related work assignment.
- C. Both employees are under the jurisdiction of the same immediate Supervisor.

V. Effects of Post-Employment Marriage

Effect of post-employment marriage or creation of other “relative” status of City employees:

- A. In determining rules and regulations governing the employment of City employees who become related through marriage as otherwise defined in Section 10.04
- B. After commencement of City employ, the City is guided by the principles enunciated in the California Fair Employment and Housing Act which prohibits discrimination on the grounds of marital status. However, the Act and the Regulations defining the same do authorize restrictions being placed upon married City employees (or upon people deemed related as a result of marriage [i.e., in-laws]) where for business reasons of supervision, safety, security or morale, the employer may refuse to place one spouse or other

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relative under the direct supervision of another spouse or other relative and refuse to place both spouses or other relatives in the same department, division or facility if the work involves potential conflicts of interest or other hazards greater for married couples or other relatives than for other persons. (2 Cal. Admin. Code, Section 7292.5; Government Code Section 12940(a) (3).)

- C. With the above principles being recognized, the City determines that “marital status” is defined as an individual’s state of marriage, non-marriage, divorce or dissolution, separation, widowhood, annulment, or other marital state for purposes of this policy. Further, a “spouse” is defined as a partner in marriage as set forth in California Civil Code Section 4100.
- D. The City retains the right to refuse to place one spouse or domestic partner or other relative under the direct supervision of the other spouse or domestic partner where there is a potential for creating adverse impact on supervision, safety, security or morale.
- E. The City retains the right to refuse to place both spouses, domestic partners or other relatives in the same department, division or facility where such has the potential for creating adverse impact on supervision, safety, security or morale or involves potential conflicts of interest.
- F. In order to implement such policies, and where the above circumstances exist and mandate that two spouses, domestic partners or other relatives shall not work in a prohibited relationship, the Human Resources Department will

attempt to transfer one spouse, domestic partner or other relative to a similar classified position in another City department where and if a vacancy exists. Although the wishes of the involved parties as to which spouse or other relative is to be transferred will be given consideration by the City, the controlling factor in determining who is to be transferred shall be the positive operation and efficiency of the City. If any such transfer results in a reduction in salary or compensation, the same shall not be considered disciplinary in nature and shall not be the subject of any form of administrative appeal.

- G. In lieu of a transfer from one department to another, or in situations where no similar counterpart classification exists to which a spouse, domestic partner or other relative can be transferred, married or other related employees may continue to be employed within the same City department subject to approval by the Department Head and the City Manager. However, any such continuing employment is predicated upon both spouses, domestic partners or other relatives not reporting to the same immediate supervisor, being supervised by each other, working the same shift at the same work site or otherwise becoming involved in a work environment having the potential for adverse impact on supervision, safety, security or morale.
- H. If continuing employment of two spouses, domestic partners or other relatives cannot be accommodated consistent with the City's interest in

promotion of safety, security, morale and efficiency, then the City retains sole discretion to separate one spouse, domestic partner or other relative from City employ. Absent resignation by one affected spouse, domestic partner or other relative, the less senior of the involved spouses, domestic partners or other relatives will be subject to separation and the same shall not constitute discipline and shall not be subject to any administrative appeal.

10.05 INTERNSHIP POLICY

The City encourages students to have exposure to certain City functions as part of the educational experience. Towards this end, the City may have volunteer students serve as interns on a temporary basis. The internship is unpaid and the intern is not an employee of the City. The internship may end at any time, with or without notice and without any rights of appeal. Anyone serving as an intern must be enrolled in either a four-year university or community college.

RULE 11. PROBATIONARY PERIOD AND PERFORMANCE RATINGS

11.01 OBJECTIVE OF PROBATIONARY PERIOD

The probationary period shall be regarded as part of the testing process and shall be utilized for closely observing the employee's work and performance, for securing the most effective adjustment of the employee to the new position and for rejecting any probationary employee whose performance does not meet the required standards of the classification or the City.

11.02 REGULAR APPOINTMENT FOLLOWING PROBATIONARY PERIOD

All original appointments shall be tentative and subject to a probationary period of twelve (12) months actual and continuous service. The City Council may, by resolution, establish a longer probationary period for specified classes. Periods of time on paid or unpaid leave exceeding twenty (20) working days shall not be counted toward completion of the probationary period. In such case, the probationary period shall be automatically extended by the twenty (20) days and all working days in excess thereof that an employee is on leave. The Personnel Officer shall notify the appointing authority and the probationer concerned two (2) weeks prior to the termination of any probationary period. If the service of the probationary employee has been satisfactory to the appointing authority, then the appointing authority shall file with the Personnel Officer a statement in writing to such effect and stating that the retention of such employee is desired.

11.03 EXTENSION OF PROBATIONARY PERIOD

I. At the direction of the Department Head but with the approval of the Personnel Officer, any employee serving a probationary period may, at the conclusion of such

period, have the probationary period extended for an additional period up to a maximum of six months of continuous service.

- II. The Department Head shall notify the Personnel Officer of such contemplated extension of the basic probationary period prior to the conclusion of the normal probationary period and shall give a copy of such notice to the employee upon approval of the extension by the Personnel Officer. Said notice shall include a statement of the reasons supporting the contemplated extension. The probation extension shall not be preceded or followed by any administrative appeal or hearing and accordingly, there shall be no administrative or judicial method for challenging the Personnel Officer's decision.

11.04 EVALUATIONS

- I. It shall be the duty of each Department Head and immediate supervisor to investigate carefully the probationer's adjustment and performance to determine whether or not the probationary employee is qualified for regular employment. The Department Head shall submit to the Personnel Officer an evaluation of the probationer's performance at the end of the third, sixth, ninth, and twelfth month of the probationary period or more frequently, if so desired by the Department Head or appointing authority.
- II. The final probationary report on each probationer shall include, and earlier reports may include, the Department Head's recommendation regarding retention. Such reports shall be made on standard forms prescribed by the Personnel Officer and in accordance with the performance rating system set forth in Rule 13.

11.05 NO APPEAL OR HEARING PROCESS

During the probationary period, the employee may be rejected at any time without right of appeal or hearing.

11.06 REJECTION OF PROBATIONER

A probationary employee is deemed rejected when the Department Head or designee advises the Personnel Officer before the expiration of the probationary period of the rejection. The Personnel Officer will notify the employee within 10 business days of the rejection.

11.07 REJECTION OF PROMOTED CITY EMPLOYEES

A regular employee rejected during the probationary period from a position to which he/she has been promoted shall be reinstated to the position from which he/she was promoted, pursuant to Section 2.22 of these Rules and Regulations, unless he/she is dismissed for cause, as provided in these Rules. In such case, the employee shall be entitled to appeal his/her dismissal as provided in these Rules.

11.08 REGULAR STATUS

An employee's status shall be considered regular upon notice of completion of the probationary period. The Department Head shall file a probationary report prior to expiration of the probationary period.

RULE 12. PERFORMANCE REPORTS - PERMANENT EMPLOYEES

12.01 POLICY

It is the policy of the City that regular reports be made as to the efficiency, competency, conduct and performance of its employees. It is declared to be the responsibility of the Personnel Officer or designee, the Department Heads, and their subordinate supervisors that these reports be prepared. It is also the responsibility of the Personnel Officer or designee to provide and prescribe the forms and procedures to be used in such reports of performance and to assist in the training of supervisory personnel of the City so that the program of performance reporting may be accomplished in an effective manner.

12.02 TIME FOR REPORTING

- I. Reports shall be prepared for probationary employees as specified in Rule 11.04.
- II. A report for a regular employee shall be served on the employee prior to each of the employee's anniversary date, provided that the employee may, in addition, be given a report of performance at any other time during the year upon his/her own request and/or at the discretion of the Department Head, and provided further that any employee who has been rated "below standard" or "unsatisfactory" shall be reported on again three (3) months from receiving such rating and again three (3) months subsequent to that.

12.03 AUTHORITY TO MAKE REPORTS

The Department Head shall have the duty and authority to prepare reports of performance. However, he/she may delegate said authority to such subordinate supervisory employees that are most familiar with the work of the employees to be reported on, provided that

he/she shall review and approve all performance reports of personnel under his/her jurisdiction. The City Manager shall prepare reports on each Department Head and other staff under his immediate supervision.

12.04 REVIEW WITH EMPLOYEES

It is acknowledged that one of the prime benefits of a sound performance rating system is that it can bring together the employee and supervisor in a constructive discussion and appraisal of the employee's work performance and the specific ways in which it may be improved. Therefore, each performance report shall be thoroughly discussed with the employee with this view in mind. The employee shall sign the report to acknowledge receipt and review of it. Such signature shall not necessarily mean he/she agrees with the contents of said report. The employee shall have fifteen (15) calendar days from receipt of the performance report to prepare and submit to the Department Head a written response to the report. This shall be the only method for an employee to dispute a performance report.

12.05 DISTRIBUTION OF REPORTS

After review, appropriate approvals and certifications and opportunity to respond by the employee, the original report shall be transmitted to the Office of Human Resources. Such copy shall be made a part of the employee's employment history.

12.06 EFFECTS OF OVERALL “BELOW STANDARD” AND OVERALL “UNSATISFACTORY” RATINGS

- I. Any employee who receives overall “unsatisfactory” or overall “below standard” rating will not be eligible to participate in any internal promotional examination until a satisfactory rating is established.
- II. Any employee who receives an overall “unsatisfactory” or “below standard” rating will not receive any merit or length of service based compensation increment for each period following the report in which the “unsatisfactory” or “below standard” rating is effective.
- III. In any case where an employee is rated overall “unsatisfactory” or “below standard,” further disciplinary action may be taken by the Department Head. Disciplinary action can be taken prior to the receipt of such ratings.

12.07 FOLLOW-UP REPORTS

As provided in Rule 12.02, additional reports at three (3) month intervals may be prepared for any employee receiving an “unsatisfactory” or “below standard” rating. If said Department Head believes it is justified, he/she shall indicate the improvement on the report of performance form and shall specifically recommend implementation of any merit increment withheld under the provisions of this rule. Such implementation shall be effective with approval of the Personnel Officer or designee.

RULE 13. MISCELLANEOUS

13.01 GRAND JURY APPEARANCE

The refusal of any employee or elected official to testify under oath before any grand jury in connection with any investigation of governmental bribery or misconduct in public office shall constitute grounds for immediate discharge of such employee.

13.02 TECHNOLOGY USE

I. Policy

The use of all technology shall only be for purposes related to the individual's specific job duties or as assigned. These resources are intended to enhance the City's communications and operational capabilities and to be used for research and administration in support of the City's overall operations. Any use of the City's technology equipment in violation of this Policy and/or any policy in these Rules may be subject to discipline, up to and including termination.

II. Appropriate Use

- A. Employees shall use good judgment at all times when using City technology.
All communications will be courteous, respectful, professional and businesslike.
- B. Electronic media may not be appropriate for the transmission of sensitive material. Where electronic media is deemed appropriate for sensitive material, material will be transmitted using appropriate secure technologies.
- C. Each employee may perform specific functions, as authorized by his/her Department Head, which are identified through use of the User-ID.

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Employees may have access to large volumes of information, which may be confidential to the Department or the City. It is important that each employee know and understand departmental records retention policy, as well as what information may be shared with others in the work unit, in the department, with personnel in other departments, and with the general public. Employees who are uncertain as to the confidentiality of data should request clarification from their supervisor.

III. Inappropriate Use

- A. Technology may not be used in any manner that violates City rules, policies and procedures. Technology shall not be used for any illegal, offensive or harassing purposes. Inappropriate, illegal or offensive use of technology by City employees may result in disciplinary action as described in the City Personnel Rules and Regulations.
- B. Prohibited activities include, but are not limited to, the following:
 - 1. Transmittal of anything in violation of any federal, state or local law, ordinance or regulation.
 - 2. Transmittal of any material or communications which includes potentially offensive material or violates the City's anti-harassment or violence in the workplace policies.
 - 3. The access to or use of inappropriate, libelous, offensive, derogatory, obscene, suggestive, defamatory, or harassing language, including disparagement of others based on their race, national origin, sex,

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sexual orientation, age, disability, religious or political beliefs in the E-mail system or at an Internet site will not be tolerated.

4. Misrepresentation, under any circumstances, of an employee's true identity.
5. Any action intended to accomplish or assist in unauthorized access to computer systems.
6. Unauthorized or improper downloading, accessing or transmittal of software, files or other material, whether copyrighted or not.
7. Transmittal of unauthorized broadcast communications or solicitations (such as mass E-mails). All broadcast or solicitation messages must be approved in advance by the IT services and Human Resources, as applicable.
8. Any action causing the City to incur a fee or charge which has no prior authorization.
9. Disclosing your username or password to anyone for any purpose.
10. Compromising the integrity of the City and its business in any manner.
11. Promotion of non-City related activities.
12. Giving the impression that an individual is representing, giving opinion, or otherwise making statements on behalf of the City or any unit of the City unless appropriately authorized to do so.
13. Theft or vandalism of software and data.

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14. The City reserves the right to apply filters to systems in an attempt to prevent inappropriate information such as websites or spam from affecting City systems. The City does not guarantee that any such filters, if put in place, will insure that City employees are guaranteed not to be impacted by such annoyances. City Staff must use good judgment in deleting inappropriate material that arrives at their desktop.

IV. Records Retention

- A. It is the responsibility of the individual sender, recipient or the project manager, to determine what documents are subject to the Public Records Retention Act and to store those records according to City guidelines in the designated format.
- B. Information Services will not maintain archival copies of E-mail or file systems not designated as archival media. File systems and E-mail restoration capabilities will be maintained for a period of six (6) weeks only. After the six-week time frame, no backups will be maintained and files will be purged. Print queues are not restorable.

V. E-mail

- A. When sending or receiving E-mail, the following considerations apply:
 1. Carefully select the recipients to receive an E-mail. Send only to those that need the information.

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2. When using E-mail, extreme care must be exercised when downloading attachments. Attachments must be scanned for possible viruses.
3. Never open any unsolicited E-mail.
4. Questions regarding E-mail and the Internet should be addressed to the Information Technology Service staff.
5. Most communications (including E-mail) among City employees are not considered confidential. However, certain communications, personnel records and investigations may be confidential and should be discussed with the employee's supervisor prior to use of E-mail.
6. Confidential information should not be sent or forwarded to individuals or entities not authorized to receive that information and should not be sent or forwarded to other City employees not directly involved with the specific matter and expressly authorized to view the information.
7. Department Heads must authorize requests to Technology Services for new accounts and for access to the Network and E-mail system for all employees.
8. Departments requesting technology access for a temporary employee must inform Technology Services to remove E-mail access for that employee at termination of the assignment or general employment.

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9. The use of the City E-mail system for the advertising of personal items or services is prohibited.
10. Do not send or review E-mail under someone else's name or computer.

VI. Internet

- A. City Internet facilities are for City-related purposes only. The City Manager shall have the final review as to the appropriateness of material and usage of the Internet.
- B. The Information Technology Services has technical responsibility for setting up and managing Internet resources. City departments may use the City's Internet home page for Internet postings by contacting Technology Services.
- C. Programs or executables should not be downloaded without permission from Technology Services.
- D. Each desktop is loaded with anti-virus software. It may not be disabled or ignored.

VII. Computers and Network Use

- A. Technology Services staff will coordinate all computer service, equipment additions, changes, moves and repairs.
- B. Unauthorized access, alteration, deletion, damage, infection, or destruction of any computer resource on the network is prohibited.

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- C. Games used for services such as those in or for a Recreation and Community Services program or activity are permitted. No other games will be allowed on the systems.
- D. Employees are encouraged to power off or place their computers or monitors into sleep-mode before leaving for an extended period of time (i.e., meetings, lunch, etc.).
- E. Equipment should not be left on overnight and should be completely powered off each evening.
- F. The user is responsible for properly caring for all technological equipment while in his or her use.
- G. Do not mark on any equipment with pencil or pen for any reason. Do not permanently adhere any items to the monitors, keyboards, printers, mouse, or any other form of equipment provided to you. Keep all liquids and food away from the computer equipment at all times.
- H. Report any problems with the equipment software, or other computer-related problems to the Technology Services staff immediately.
- I. The City reserves the right to monitor all network traffic on the City network and to modify and/or restrict access if necessary.

VIII. Electronic Information Sharing

- A. Any request to supply electronic information to other agencies, entities or individuals shall be handled in accordance with City and Departmental policies for providing information in document format. It is the

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responsibility of each department to determine the confidentiality level of information. It is the responsibility of each department to work in conjunction with the City Manager to determine the appropriateness of any request for information.

- B. Electronic information sharing includes, but is not limited to, the electronic transmission of information, from any technology system, regardless of database, using any technology media. This can include, but is not limited to, diskettes, CD-ROM, DVD, tapes, disk drive, Zip drive, File Transfer Protocol or E-mail attachment.

IX. Software

- A. Each piece of software operating on City property shall have a valid registration and be covered by a valid licensing agreement. Software and its associated documentation are covered by Copyright Laws and subject to licensing agreements. Appropriate documentation to substantiate the legitimacy of the licenses shall be forwarded to and kept on file in Information Systems.
- B. Unauthorized or unlicensed software will not be used on City systems. Authorization to use software on City systems shall be obtained from the IT services. If approved, Information Systems will either authorize the individual to install the software or install the software for the employee.

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X. Passwords

- A. The City's technology systems require that each user have a unique identity, referred to as a "User-ID," protected by a "password," to gain access to the system.
- B. Passwords are to be kept confidential. They are not to be stored in any manner that can be accessed by any individual. Occasionally, in the course of a service call, it becomes necessary for Information Systems staff to use an employee's password for a short period of time. The employee must change the password immediately following the end of the service call.
- C. Passwords shall not be selected in a manner that could allow for other's easy access and will be required to be changed periodically.
- D. Information Systems personnel must have access to all City owned technology at all times. Information Systems will not routinely access systems, except for appropriate business purposes.

XI. Security

- A. Technology Services is responsible for preventing unwanted access to the City's Networking System.
- B. Employees are required to store computer files or records in a manner that is also accessible to the supervisor. This may be done by saving files to the computer hard drive, a shared drive on the network or on removal storage such as a CD, disk or tape that is stored in a common location.

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- C. Any circumvention of password or network security must be immediately reported to the Department Head and Technology Services.

XII. Accountability

- A. IT services is responsible for the control and administration of the City's Technology Use Policy.
- B. Department Heads are responsible for ensuring that the Technology Use Policy is followed.

XIII. No Right of Privacy

- A. There is no right of privacy to any and all information obtained and/or transmitted via Internet, Intranet, E-mails, and/or any and all documents by or through all employees who have access to the City's technology equipment, including, but not limited to, City computers, desktops, laptops, hand-held devices, including cellular phones and electronic calendars such as a PDA. The City retains its rights to access and audit any information from the City's technology equipment for City purposes without prior notice.
- B. Employees should be aware that any technology media or communication involving City of Perris technology resources are considered at all times to be City records. They may be considered public record and be subject to disclosure under the California Public Records Act, Government Code Section 6250, et seq., or other lawful requests regardless of designations of "private" or "confidential." The City shall comply with all lawful requests for information and shall not be held liable for such lawful disclosure in any

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manner. Electronic media is also subject to the provisions of the Brown Act and all electronic discussions between elected officials must follow the Brown Act guidelines.

- C. Although the City does not read and review electronic files on a routine basis, the City has the capability to access, monitor, review, copy and/or disclose any electronic media communications. The City also employs technology to routinely screen electronic communications for such things as viruses or access to inappropriate websites.
- D. The City reserves the right to do so for any proper City purpose in accordance with the Electronic Communications Privacy Act of 1986. The City may make backup copies of electronic files. This means that files may be restored, even if the user believes the files have been deleted. An individual's use of technology or electronic media is consent for the City to act accordingly.
- E. If a user submits information to the City of Perris server through a web page containing visible indicators of active encryption technology, the City will take all reasonable precautions to safeguard the confidentiality of such information, but shall not be held liable for any injury caused by the disclosure of that information, whether caused by security breach, accident, inadvertence, or any other act resulting in disclosure.
- F. Investigation or review of electronically stored information shall be limited to appropriate personnel as authorized by the City Manager.

13.03 VIOLENCE FREE WORKPLACE POLICY

I. Policy

The City is committed to providing a work environment that is free of violence or the threat of violence. The City has a Zero Tolerance policy with regard to workplace violence. Zero Tolerance means that the City will investigate incidents and take appropriate action against the offending employee or non-employee who violates this policy.

II. Consequences for Violation of Policy

A. *For City Employees*

1. Disciplinary action up to an including termination and criminal prosecution as may be appropriate.

B. *For Non-City Employees*

1. Oral and/or written warning(s) by department management
2. Refusal of Service
3. Criminal Prosecution

III. Weapons

A. City employees and volunteers shall not possess in the workplace, including in their vehicles at work, any items identified as weapons. Some clear examples include, but are not limited to:

1. Explosives/Guns/ammunition
2. Fixed blade knives

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3. Folding knives with blades over three and one-half (3-1/2) inches in length

IV. Acts or Threat of Violence

A. Acts or threats of violence include conduct which creates a hostile, abusive or intimidating work environment for a City employee. Clear examples of violent acts or threats of violence that are prohibited in the workplace include, but are not limited to:

1. Striking, punching, slapping, shoving or assaulting another person.
2. Threatening harm or harming another person or any other action or conduct that implies the threat of bodily harm.
3. Fighting or challenging another person to fight.
4. Threatening to destroy or actually destroying City property and property of City employees or non-City employees.
5. Throwing objects with the intent to injure or harm.
6. Making or instigating harassing or threatening telephone calls, electronic or computer graphics and messages.
7. Harassing surveillance or stalking.
8. Possession, use or threat of use of a gun, knife or other weapon of any kind.
9. Engaging in threatening or dangerous horseplay.
10. Grabbing, pinching or touching another person in an unwanted way, whether sexually or otherwise.

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V. Definition of Work Environment

For purposes of this policy, “work environment” and/or “workplace” includes, but is not limited to, City buildings, vehicles, equipment, property, or any location where a City employee is on duty.

VI. Procedures and Responsibilities

A. *Employee Responsibilities*

Any employee who is the victim of any violent, threatening or harassing conduct, any witness to such conduct, or anyone receiving a report of such conduct, whether the perpetrator is a City employee or a non-employee, shall immediately report the incident to their supervisor or other appropriate person in the chain of command. Should the employee perceive that he or she is in immediate apparent danger of a violent act, or has just been victimized by a violent act, or is a witness of a violent act, he/she shall, whenever possible and as necessary:

1. Place themselves in a safe location.
2. If appropriate, call the Police Department and request immediate response of a police officer and be prepared to inform the police dispatcher of the circumstances and the exact location of where an officer is needed.
3. Inform a supervisor, manager or the office of Human Resources and Risk Management of the circumstances.

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4. Complete a written report as soon as possible and submit the original copy to the Human Resources Office and retain a copy.
5. Cooperate fully in any administrative or criminal investigation, which shall be conducted within existing policy and laws.

B. Supervisor/Manager Responsibilities

A supervisor/manager informed of an imminent or actual violent act or the threat of a violent act as defined by this policy shall, whenever possible, ensure the immediate safety of the employee and, if appropriate, shall call the Police Department if this has not already been done, and notify the Department Head and the Human Resources Director.

VII. Future Violence

- A. Employees who have reason to believe they or any City employee may be the subject of a violent act in the work environment or as a result of their City employment shall immediately notify their supervisor, Department Head or the office of Human Resources and Risk Management.
- B. Employees who have obtained a temporary or permanent restraining order to protect themselves from another individual or who themselves are subject of a restraining order issued on behalf of someone else shall immediately supply a copy of the signed order to their Department Head and the office of Human Resources and Risk Management. Employees should provide a description of the individual named in the restraining order (or, if readily available, a recent photograph of the named individual). The employee should advise the Court

to include the City workplace in the restraining order. Employees are to advise their supervisor or Department Head when any potentially violent situation exists in their lives which could result in violence at work.

VIII. Anti-Retaliation Policy

No employee shall retaliate in any manner against another employee who reports an incident pursuant to this policy. Employees found to have violated this section may be subject to disciplinary action up to and including termination.

IX. False Reporting of an Incident

Any employee who makes a report under this Policy which the employee knows or should know is false may be subject to disciplinary action up to and including termination.

X. Investigation

The City may investigate any acts in violation of this policy and appropriate disciplinary action may be taken up to and including termination.

13.04 VEHICLE USE AND TRAVEL POLICY

Certain employees are authorized to utilize City-supplied vehicles for City business use. City employees authorized to utilize City vehicles are not allowed to transport non-employees unless it is for City-related business. Employees are prohibited from transporting non-authorized passengers home after working hours. Non-management employees should be reimbursed for all miles incurred when utilizing a personal vehicle for City-related purposes.

13.05 CELLULAR PHONE POLICY

- I. City-issued cell phones may only be used for City-related purposes. The City reserves the right to audit all calls.
- II. Employees are advised to exercise good judgment when using personal cell phones/hand-held electronic devices and pagers during working hours. Occasional use of these devices is permissible so long as such use does not interfere with the employee's work and the work environment of others.

13.06 NEWS MEDIA CONTACT POLICY

Only the City Manager or his/her designee is authorized to represent the City in all contacts with the media including, but not limited to, television, radio, newspapers and all outside forms of media. All other employees are not authorized to represent the City in any such media contact unless authorized by the City Manager.

13.07 DRESS CODE POLICY

- I. This policy will outline the City's policy on business appropriate attire Monday through Friday for all City employees. Dress, grooming, and personal appearance contribute to the morale of the workplace and affect the image the City presents to visitors. Accordingly, during regularly scheduled City hours, employees are expected to be neatly groomed and dressed.
- II. Business "casual" is defined as attire that maintains a professional look but is less formal than the traditional business "dress" (suit and tie).
- III. City employees have the daily option of wearing business "casual" clothing in addition to wearing business "dress" clothing according to the requirements of their position

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with the City. Employees should always maintain a professional appearance consistent with the City's business environment and their position.

- IV. To successfully adapt to the City's dress options, always exercise good judgment and carefully consider the appropriateness of your daily dress selections according to your work requirements for that day.
- V. Some attire items which are NOT ACCEPTABLE at the City are:
 - A. Shorts, sweatpants, leggings, stirrup pants
 - B. Tank tops
 - C. Flip-Flops, sandals
 - D. Jogging suits or exercise wear
 - E. At no time are bare midriffs, cut-off shirts or skirts above mid-thigh acceptable
 - F. Any clothing which is torn, tattered, distressed, or unclean.
- VI. Employees are expected to wear professional business attire Monday through Thursday. Unless otherwise announced, Fridays are casual dress days.
- VII. The City reserves the right to send any employee not appropriately dressed home to change.

13.08 NO SMOKING POLICY

Employees are not permitted to engage in the smoking of tobacco products in any City building, or in an outdoor area within twenty (20) feet of a main exit, entrance, or operable window of a City building, or in a vehicle owned by the City.

13.09 EMPLOYEE PROPERTY

The City encourages all employees who bring personal items to the workplace to secure them in a location that is not accessible to others. The City is not responsible or liable in the event employee property is damaged, lost or stolen.

13.10 DRUG AND ALCOHOL TESTING BASED ON REASONABLE SUSPICION

- I. It is critical to the public health and welfare and to employees' safety to ensure a drug and alcohol free work environment. No employee shall report to work while under the influence of drugs or alcohol or illegal drugs, nor shall any employee possess, use, or consume alcohol or illegal drugs while on City time or on City property, or when there is a reasonable expectation of being called to duty. No employee shall report to work or remain on duty while his/her ability to perform job duties is impaired due to alcohol or drug use, whether such use was on duty or off duty.
- II. Employees taking drugs prescribed by an attending physician must advise their direct supervisor, before beginning work, of possible side effects of such drugs which could interfere with the safe and effective performance of duties or operation of equipment. Clearance from a qualified physician designated by the City may be required if there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such drugs.
- III. Employees reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work and shall, for safety purposes, be provided transportation from the work site as appropriate.

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- A. The term “reasonable suspicion” as used above is a belief based on objective facts and reasonable inferences drawn from those effects in light of experience, sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of drugs or alcohol.
 - B. The term “under the influence” as used in paragraph a) above means the employee’s ability to perform the functions of the jobs is impaired or that the employee’s ability to perform his or her job safely is reduced due to the consumption or use of drugs or alcohol.
- IV. Department Heads, in concurrence with the Office of Human Resources, may request, as deemed necessary, that an employee submit to a drug and/or alcohol screening when a manager or supervisor has reasonable suspicion that an employee is under the influence of illegal drugs or alcohol while at a work location, while on the job or when reporting for duty. Employees shall authorize the City’s medical provider and laboratory to take samples for screening and to release the results of the screening to the City. An employee who refuses an order to submit to a drug and/or alcohol screening, or to authorize the taking of a sample, or to authorize the release of the results of the screening to the City, or engages in conduct that clearly obstructs the testing process, shall be subject to disciplinary action, up to and including dismissal.
- V. The supervisor shall advise the employee that he or she has the right to contact a Union representative when ordered to submit to a drug and/or alcohol screening. However, if a Union representative is not available within 30 minutes, the employee

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shall still be required to submit to the drug or alcohol test without first consulting with a Union representative. The Union representative shall not impede the City's right to require an employee to submit to an alcohol or drug test.

- VI. A positive result from a drug and/or alcohol screening may result in disciplinary action, up to and including dismissal.
- VII. If a drug screen is positive, the employee must provide, within 24 hours of request, bona fide verification of a valid current prescription in the employee's name for the drug identified in the drug screen. 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 as stated above, the employee may be subject to disciplinary action, up to and including dismissal.
- VIII. An employee who has had a positive result from a drug screening shall undergo a return-to-duty drug and/or alcohol screening and will not be returned to duty unless there is a verified negative result for controlled substances or an alcohol concentration of less than 0.02.
- IX. Information obtained under the provisions of this policy and the attendant regulations, policies and procedures, shall be held as confidential as possible.
 - A. The drug and/or alcohol screening results will be retained with medical examination results in a separate location in compliance with the confidentiality of Medical Information Act, California Civil Code Section 56, et seq.

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- B. The reports or test results may be disclosed to City Management on a strictly need-to-know basis and to the tested employee upon request.
 - C. Disclosures, without patient consent, may also occur when (i) the information is compelled by law or by judicial or administrative process; (ii) the information has been placed at issue in a formal dispute between the employer and the employee; or (iii) the information is to be used in administering an employee benefit plan.
- X. All components of an examination which require evaluative judgment shall be administered using as a rater at least one competent authority in the field being tested.

13.11 SAFETY POLICY

I. Safety Compliance

Employees are required to comply with all safety rules, policies, and guidelines at all times, including, but not limited to, proper use and care of City equipment, immediate reporting of work related injuries and illnesses and proper use and care of safety equipment.

II. Reporting of Injury

Any employee who knows or reasonably should have known that he/she sustained any injury on the job shall report it to his/her supervisor or Department Head as soon as possible, but in any case before completing that shift in which the injury occurred or in which the employee knew or reasonably should have known of the

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injury. The injury report shall be written on City approved and required forms and it must be made within the specified time.

RULE 14. PERSONNEL ACTIONS: NON-DISCIPLINARY

14.01 RESIGNATIONS

- I. An employee desiring to leave the Classified Service in good standing shall submit a letter of resignation to his /her immediate supervisor. This letter shall be submitted no later than two weeks in advance of the effective date of separation, except under extraordinary circumstances.
- II. Upon separation, the resigning employee's name shall be removed from all promotional eligibility lists, but at the employee's request, shall be retained on an open-competitive eligibility list subject to the provisions of Rule 10 of these Regulations.

14.02 JOB ABANDONMENT

- I. An employee is deemed to have resigned if the employee is absent for five (5) consecutive workdays without prior authorization and without notification during the period of absence.
- II. On the second working day of unauthorized absence, the supervisor shall send a telegram or overnight letter to the employee's last known address informing the employee that if the employee fails to report to work within one (1) workday, or receive authorization for such absence, the employee will be deemed to have resigned. Employees separated from employment for job abandonment will be reinstated with such charge removed from the employee's record upon presentation of justification for absence, such as severe accident, severe illness, false arrest, or mental or physical impairment which prevented notification.

- III. Employees have no right to appeal if deemed to have resigned as a result of job abandonment.

14.03 LAY-OFF - INTENT OF PROCEDURE

Public interest may require reduction of a position or positions for non-disciplinary reasons requiring the layoff of one or more employees. The implementation of the layoff procedure is comparable to the “reverse” of the employment procedure, which allows the Department Head or City Manager the discretion to select from the two least senior persons subject to layoff for each classification to be reduced.

14.04 PROCEDURES (MISCELLANEOUS MANAGEMENT & SAFETY)

When a position within a class is abolished, the following general procedure shall be observed:

- I. The names of all employees occupying positions in said class shall be listed in the order of their lengths of service in said class, or in higher or equal classes.
- II. The City Manager or, upon designation, the Department Head shall select from the least senior employees one employee for each position abolished. In selecting person(s) to be laid off, the City Manager or his designee may take into consideration the employee’s performance reports.
- III. A reasonable notice of not less than thirty (30) days prior to separation from service and reasons therefore shall be given to each affected employee.
- IV. Any probationary employee laid off under these provisions who previously held regular status in a lower class may request demotion to a position in said lower class or any equivalent class in order to avoid layoff.

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- V. Any regular employee laid off under the provision of Paragraph (II) may request demotion to a position in any lower class in a similar type work.
- VI. In the case of further layoffs necessitated by the displacement of employees accomplished under the above outlines procedures, the same general provisions as above outlines shall apply.
- VII. In the case of any question as to the equivalency of classes for the purpose of preparing the list prescribed above, the City Manager, having responsibility for the maintenance and application of the classification plan, shall render his/her judgment and such judgment shall be final.
- VIII. The names of regular employees who have been laid off due to reduction in force shall be placed on an appropriate layoff re-employment list according to the date of separation and shall be eligible for re-employment. Such re-employment shall be based on: last employee laid off is the first employee on the list with other employees being eligible in sequential order thereafter. If two or more employees have been laid off on the same date, then re-employment, if any, shall be based upon City-wide seniority among the affected employees.
- IX. Probationary and permanent personnel laid off in accordance with this Rule and at their request shall be placed on a re-employment list as provided by this Rule. If an employee is re-employed six months from such a list, all service credits and sick leave accrued to the date of layoff shall be restored. In no event, however, shall the City be required to restore credits for vacation and sick leave paid out at the time of layoff. At the time of layoff, the employee's name shall be removed from all

promotional eligible lists, but, at the employee's request, shall be retained on open-competitive lists subject to the provisions of this Rule.

14.05 TRANSFER

No person shall be transferred to a position for which he/she does not possess the minimum qualifications. An employee may be transferred by the Appointing Authority at any time from one position to another position in a comparable class. For transfer purposes, a comparable class is one with the same maximum salary, involves the performance of similar duties and requires substantially the same basic qualifications.

14.06 "Y" RATED SALARIES

An employee is deemed to be "Y" rated when his/her salary exceeds the last step of the employee's current salary range. When an employee is "Y" rated, his/her current salary will remain the same until the position's salary range is assigned to a new range. The employee's salary may then be increased during their next evaluation period to any step of the new range that represents an increase in salary.

14.07 RECLASSIFICATIONS

I. Reclassifications may be requested when an employee believes that he/she is working out of his/her designated classification. Reclassifications must be initiated by the employee and fully explained in writing and submitted to the employee's immediate Supervisor. Reclassification requests will be reviewed by all supervisors in the employee's chain of command. The Department Head shall make a final recommendation for approval by the Personnel Officer.

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- II. The Office of Human Resources may perform or coordinate a position analysis of both the employee's current and requested position duties and salary. Such analysis shall be presented to the Personnel Officer as part of the Reclassification procedure.
- III. The Personnel Officer shall make a final decision on the reclassification request and such decision shall be final and conclusive with no right of appeal.

RULE 15. PERSONNEL ACTIONS: DISCIPLINARY

15.01 CAUSE AND EXTENT

Disciplinary action may be taken against a regular employee for cause. The extent of the disciplinary action taken shall be commensurate with the offense and the prior employment history of the employee. Non-classified employees, outside the competitive service, serve at the will of the appointing authority and may be disciplined at any time without cause or rights of appeal.

15.02 KINDS OF ACTIONS

The disciplinary actions that may be taken are dismissal, demotion, suspension without pay, reduction in step within a range, written reprimand, transfer or reassignment for disciplinary or punitive purposes or any appropriate combination of these.

- I. Dismissal means the discharge of an employee from City service.
- II. Demotion without consent as a disciplinary action shall be a reduction in classification or rank to a lower classification or rank, and reduction in salary. Demotion without consent may be made to the lowest classification or rank in the series of classes or related series to that within which the class is located. Demotion may be made on a temporary basis or a permanent basis.
- III. Suspension without pay shall be a temporary separation from City service.
- IV. Reduction in step within range as a disciplinary measure is withdrawal of increments granted for merit, efficiency and length of service. The maximum reduction in pay that may be given for any one disciplinary action shall not exceed a two-step reduction within the range for that class. Reduction in pay shall become effective on

the first of the pay period following the effective date of the disciplinary action.

Reduction may be made on a permanent or temporary basis.

- V. Written reprimand as a disciplinary action means an official notification to the employee that there is cause for dissatisfaction with the employee's performance and that further disciplinary action may be taken if said cause is not corrected. A written reprimand shall be made a part of the employee's official personnel record and may be considered as pertinent evidence of information in future discipline and/or any appeal hearing.

15.03 GROUND FOR DISCIPLINARY ACTION

Disciplinary action may be taken for any cause, which may include, but not be limited to, the following, as they relate to the employee's ability to perform functions required by employment with the City:

- I. Fraud in securing employment or making a false statement on an application for employment.
- II. Incompetence, such as inability to comply with the minimum standards of an employee's position.
- III. Inefficiency or inexcusable neglect of duty, such as failure to perform duties required of an employee within his/her position.
- IV. Disobedience and insubordination, such as failure to submit to duly appointed and acting supervision or to conform to duly established orders or directions of persons in a supervisory position.

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- V. Dishonesty involving employment including, but not limited to, making false statements during an investigation. Falsifying or making dishonest or false statements or information on any City document or regarding any work matter.
- VI. Reporting to work under the influence of alcohol, illegal drugs, controlled substances, narcotics, or using, selling or possessing them on City premises.
- VII. Excessive or inexcusable tardiness or absenteeism, and inexcusable absences.
- VIII. Abuse or misuse of sick leave or any other leave provided by the City.
- IX. To the extent permissible by federal and state law, the conviction of either a misdemeanor or a felony in which there is a nexus to the job.
- X. Discourteous treatment of other employees or the public.
- XI. Improper or unauthorized use of City property.
- XII. Violation of the rules and regulations published in any department.
- XIII. Inattention to duty, indolence, carelessness or negligence in the care and handling of City property.
- XIV. Refusal to subscribe to any oath or affirmation which is required by law in connection with City employment.
- XV. Any willful act of conduct undertaken in bad faith, either during or outside of duty hours which is of such a nature that it causes discredit to the City, the employee's department or division.
- XVI. Consistent with applicable law, including but not limited to the Americans with Disabilities Act, the Rehabilitation Act of 1973 and the Fair Employment and Housing Act, mental or physical infirmity or defects which render the employee unfit

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for the proper performance of his/her duties if no reasonable accommodation can be made.

- XVII. To the extent permissible under federal and state law, outside employment not specifically authorized by the City Manager.
- XVIII. Acceptance from any source of a reward, gift, or other form of remuneration in addition to regular compensation, the intent of which is to cause an employee to perform his/her official duties. This does not include employee recognition awards by the City.
- XIX. The refusal of any officer or employee of the City to testify under oath before any Grand Jury having jurisdiction over any then pending cause or inquiry, in which the investigation of government bribery or misconduct in City office is involved shall constitute in itself sufficient grounds for the immediate discharge of such City officer or employee.
- XX. Violation of any of the provisions of the ordinances, resolution or any rules, regulations or policies which may be prescribed by the City Council or City Manager.
- XXI. Improper political activity. Example: Those campaigning for or espousing the election or non-election of any candidate in national, state, county or municipal elections while on duty and/or during working hours or in a City uniform on or off duty; or the dissemination of political material of any kind while on duty and/or during working hours or in uniform. Activities not affected: Nothing in these rules and regulations shall be construed to prevent any officer or employee from becoming

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or continuing to be a member of a political club or organization, or from attendance at a political meeting, or from enjoying entire freedom from all interference in casting his/her vote or from seeking or accepting election or appointment to public office, provided, however, that a person holding a position in the classified service must resign his/her position in the classified service upon being elected to the office of any elective office of the City.

XXII. Conduct unbecoming an employee of the City.

XXIII. Possessing firearms or other weapons on City property (unless employee is required to carry a firearm or other weapon as a condition of employment).

XXIV. Fighting, assaulting, threatening or intimidation of co-workers, customers or the general public.

XXV. Sleeping on the job without authorization.

15.04 EFFECTIVE DATE

A disciplinary action shall be effective as of the time designated by the person or persons authorizing the action, provided that no disciplinary action may be given an effective date which is prior to the date described in Section 15.08.

15.05 AUTHORITY TO TAKE DISCIPLINARY ACTION

Any suspension, reduction in pay, demotion, or termination shall be commenced by means of a written "Notice of Intent to Suspend, Reduce in Pay, Demote or Terminate" prepared by the Department Head and then served upon the affected employee. The affected employee shall have a right to respond to the "Notice" pursuant to Section 15.07. However, written reprimands, transfers or reassignments whereby the potential economic impact

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(without regard to real or possible losses of overtime compensation) upon the affected employee is in an amount less than the employee's scheduled daily compensation, shall not be subject to this Section and shall not give rise to any form of post-Department Head administrative or judicial appeal and the determination of the Department Head shall be final and conclusive.

15.06 NOTICE

In cases of discipline (Rule 15.02), written notice of the intended action shall be given to the employee setting forth the following information:

- I. The disciplinary action intended.
- II. The specific causes upon which the action is based.
- III. The summary of the facts upon which the charges are based.
- IV. A copy of all written materials, reports, or documents upon which the discipline is based.
- V. Notice of the employee's right to respond to the charges either orally or in writing.
- VI. The date, time and person before whom the employee may respond.
- VII. Notice that failure to respond at the time specified shall constitute a waiver of the right to respond prior to final discipline being imposed.

15.07 EMPLOYEE RESPONSE

The employee shall have five (5) business days from the date the "Notice" is served on him/her to advise of his/her intent to participate in a pre-disciplinary meeting pursuant to these Rules and Skelly v. State Personnel Board. This pre-disciplinary meeting shall be presided over by the City Manager or his/her designee. Any such requests to convene a pre-

disciplinary meeting shall be in writing and shall be postmarked within five (5) business days from the date the "Notice" is served upon the employee. If the employee either fails to request a pre-disciplinary meeting or fails to do so in a timely manner, then at the expiration of the five (5) business day period for serving such request, the City Manager or his/her designee may render a determination based solely upon the pre-disciplinary supportive documents that were served upon the employee in accord with Section 15.06.

15.08 FINAL ACTION

After considering the employee's response, if any, to the "Notice" or after the expiration of the time to respond and no response having been made, the City Manager shall: (1) dismiss the notice and take no disciplinary action against the employee or (2) modify the notice or (3) prepare and serve upon the employee a final notice of disciplinary action. The final notice of disciplinary action shall include the following:

- I. The disciplinary action taken.
- II. The effective date of the disciplinary action taken.
- III. Specific charges upon which the action is based.
- IV. A summary of the facts upon which the charges are based.
- V. The written materials, reports and documents upon which the disciplinary action is based.
- VI. An explanation of appeal procedures.

RULE 16. APPEALS PROCEDURE

16.01 RIGHT OF APPEAL

Any regular employee in the competitive service shall have the right to appeal to the City Council any disciplinary action involving dismissal, demotion, suspension and reduction in step within ten (10) calendar days of the disciplinary action. The City Council has discretion to designate that the hearing be conducted by a hearing officer. In those cases where the City Council does designate that the hearing be conducted by a hearing officer, the costs attendant to retention of the hearing officer, court reporter, or tape recorder, and transcripts shall be borne by the City. If a Hearing Officer is designated, the parties shall select said Hearing Officer by mutually requesting a list of seven (7) names from an arbitration service selected by the City. The parties shall then alternately strike names from the list until one name remains. Said person shall be the Hearing Officer.

16.02 METHOD OF APPEAL

Appeals shall be in writing, subscribed by the applicant, and filed with the Personnel Officer, who shall inform the clerk to the City Council and such other persons or officers named or affected by the appeal or the filing of the appeal. The appeal shall be a written statement, addressed to the Personnel Officer, explaining the matter appealed from and setting forth the ground for the appeal and the action desired by the appellant.

16.03 NOTICE

Upon the filing of an appeal, the Personnel Officer shall set a date for a hearing on the appeal not less than ten (10) calendar days nor more than thirty (30) calendar days from the date of filing. The time limitation can be extended unilaterally by the Personnel Officer upon a

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showing of good cause to do so. The Personnel Officer shall notify all interested parties of the date, time and place of the hearing.

16.04 HEARINGS

- I. All hearings shall be closed unless the employee requests in writing five (5) calendar days before the hearing that the hearing be open.
- II. The City Council shall issue subpoenas and subpoena duces tecum at the request of either party prior to the commencement of the hearing.
- III. The hearing need not be conducted in accordance with technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil and criminal actions and irrelevant and unduly repetitious evidence shall be excluded. The City Council or Hearing Officer shall not be bound by technical rules of evidence. The City Council or Hearing Officer shall rule on the admission or exclusion of evidence.
- IV. Each party shall have these rights: To be represented by legal counsel or other person designated by the exclusive bargaining agent (or absent such bargaining agent,

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as designated by the Appellant) to call and examine witnesses; to introduce evidence; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him/her to testify; and to rebut the evidence against him/her. If the employee does not testify in his/her own behalf, he/she may be called and examined as if under cross-examination. Oral evidence shall be taken only on oath or affirmation.

- V. The hearing shall proceed in the following order, unless the City Council or Hearing Office, for special reasons, otherwise directs:
 - A. The party imposing discipline shall be permitted to make an opening statement;
 - B. The appealing party shall then be permitted to make an opening statement;
 - C. The party imposing disciplinary action shall produce the evidence on his/her part; the City bears the burden of proof and burden of producing evidence;
 - D. The party appealing from such disciplinary action may then offer his/her defense and offer his/her evidence in support thereof; the employee bears the burden of proof and the burden of producing evidence for any affirmative defenses asserted;
 - E. The parties may then, in order, respectively offer rebutting evidence only, unless the City Council or Hearing Officer, for good reason, permits them to offer evidence upon their original case.

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- F. Closing arguments shall be permitted and written briefs may be permitted at the discretion of the City Council or Hearing Officer. The City shall have the right to open the closing arguments followed by the employee. The City then has a right to reply.
- G. The City Council or Hearing Officer shall determine relevancy, weight, and credibility of testimony and evidence. The City Council or Hearing Officer shall base its findings on the preponderance of evidence. During the examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing unless the City Council or Hearing Officer, for good cause, otherwise directs. The City Council or Hearing Officer shall render judgment as soon after the conclusion of the hearing as possible and in no event later than thirty (30) calendar days after conducting the hearing. The thirty (30) day deadline may be extended upon a showing of good cause. The decision shall set forth which charges, if any, are sustained and the reasons therefore. The decision shall set forth findings of fact and conclusion. The hearing officer's decision shall be advisory only to the City Council.
- H. The Hearing Officer may recommend sustaining or rejecting any or all of the charges filed against the employee. The Hearing Officer may recommend sustaining, rejecting or modifying the disciplinary action invoked against the employee. The Hearing Officer's decision and recommendation shall be filed with the City Manager for transmission to the City Council, with a copy sent to the charged employee. If it is a dismissal hearing and a dismissal is not the

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Hearing Officer's recommendation, the opinion shall set forth the recommended date the employee is recommended to be reinstated and/or other recommended action.

- I. Within thirty (30) calendar days of the receipt of the recommendation, the City Council shall adopt, amend, modify or reject the recommended findings, conclusions, and/or decision of the Hearing Officer. The City Council shall not conduct a de novo hearing. The City Council may, at its option, allow limited oral arguments and/or may request and review written statements from both sides. The decision of the City Council shall be final and conclusive. Copies of the City Council's decision shall be filed where appropriate, including the employee's personnel file, unless no discipline is upheld by the City Council. Each party shall bear its own witness and attorney fees.
- J. The provisions of Section 1094.6 of the Code of Civil Procedure shall be applicable to proceedings under this Section.

RULE 17. GRIEVANCE PROCEDURE

17.01 PURPOSE OF RULE

- I. To promote improved employer-employee relations by establishing grievance procedures on matters for which appeal or hearing is not provided by other regulations.
- II. To afford employees individually or through qualified employee organizations a systematic means of obtaining further considerations of problems after every reasonable effort has failed to resolve them through discussions.
- III. To provide that grievances shall be settled as near as possible to the point of origin.
- IV. To provide that appeals shall be conducted as informally as possible.

17.02 DEFINITION OF GRIEVANCE

A grievance is defined as any dispute involving the interpretation, application or alleged violation of the City's Personnel Rules and Regulations.

17.03 INFORMAL AND FORMAL GRIEVANCES

I. Procedural Step 1

An employee who has a grievance shall bring it to the attention of his/her immediate supervisor within ten (10) working days of the occurrence of the act. If the employee and the immediate supervisor are unable to resolve the grievance within ten (10) of the supervisor's working days of the date it is raised with the immediate supervisor, the employee shall have the right to submit a formal grievance which shall contain the following information:

- A. The name of the grievant.

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- B. The grievant's department and specific work site.
- C. The name of the grievant's immediate supervisor.
- D. A statement of the nature of the grievance including date and place of occurrence.
- E. The specific provision, policy or procedure alleged to have been violated.
- F. The remedies sought by the grievant.
- G. The name of the individual or organization, if any, designated by the grievant to represent him/her in the processing of the grievance. However, in no event shall an employee organization other than the one which formally represents the position occupied by the grievant be designated as the grievant's representative.
- H. Date of submission of the grievance.

II. Procedural Step 2

An employee dissatisfied with the decision of the immediate supervisor in Step 1 may submit the grievance to his/her Department Head within ten (10) working days from the date of the immediate supervisor's decision. The Department Head or designated representative shall respond to the grievance in writing within ten (10) of his/her working days from the date of its receipt.

III. Procedural Step 3

If the employee is dissatisfied with the decision of the Department Head in Step 2, he/she may submit the grievance to the City Manager within ten (10) working days from receipt of the Department Head's response. The City Manager, or his/her

designated representative, shall respond to the grievance in writing within ten (10) of his/her working days of its receipt. This period of response may be extended. Within this period, the City Manager, or his/her designee necessitating an informal or formal investigation at his/her discretion, may conduct an informal hearing involving the parties to the dispute. The decision of the City Manager is final.

17.04 GENERAL CONDITIONS

- I. Any time limit set forth in Rules 16 and 17 may be extended by written notification from the City Manager to the grievant or the recognized employee organization representing him/her.
- II. Failure on the part of the grievant or his/her designated representative to comply with the time limits of this procedure or any extension thereto shall constitute a withdrawal of the grievance without further recourse to resubmittal under this procedure. Failure on the part of the City to comply with prescribed time limits or extension thereto shall result in the grievance being moved to the next step of the procedure.
- III. A representative of a recognized employee organization which represents the grievant's position shall be entitled to be present at any hearing held in connection with Step 2 and Step 3 of this procedure.

RULE 18. ATTENDANCE

18.01 ATTENDANCE AND AVAILABILITY

- I. Employees shall be in attendance at their work stations in accordance with the Rules regarding hours of work, leave and related provisions. An employee who is absent without notification may be subject to disciplinary action, including discharge, pursuant to Rule 15 of these Regulations. In the discretion of a responsible supervisor, an employee failing to report for work as described herein and/or failing to provide the notice described herein of inability to commence work on a timely basis may be permitted to commence work late and in such instance, shall be subject to a salary deduction equal to the amount of time for which the employee failed to perform services. Nonetheless, if an employee is allowed to commence work after the prescribed starting time, said employee shall still be subject to disciplinary action.
- II. In order to assure employee availability for the protection of life and property and to otherwise serve the health, safety and welfare of the community, the City Manager is authorized to establish reasonable response time for any employee to report to work after call to duty under emergency conditions. This response time shall be one (1) hour.

RULE 19. LEAVES

19.01 HOLIDAYS

The specific holidays and vacation leaves observed by the City shall be as set forth in the current Memoranda of Understanding.

19.02 SICK LEAVE

The accrual and usage of sick leave shall be governed by the following provisions:

- I. Full-time Classified employees in all services shall accrue sick leave at the rate of eight (8) hours for each full month of paid service completed.
- II. In order to be entitled to sick leave, an employee who, because of a non-industrial injury, is unable to report for work shall so notify his/her supervisor pursuant to Rule 18.01 above. Failure to do so without good reason shall result in that day of absence being treated as an unauthorized leave of absence without pay. The determination in this regard shall be made by the Department Head, subject to final approval by the City Manager. Where the period of absence due to illness or injury is not known at the outset, it shall be the responsibility of the employee to remain in contact with the on-duty supervisor, on a daily basis if deemed necessary by the supervisor. At the discretion of the Department Head, a physician's certificate may be required regarding use of sick leave objectively determining the existence of an illness or injury for which sick leave use is authorized.
- III. Where an illness or injury is job-related and covered by Workers' Compensation, compensation shall be pursuant to worker's compensation law.

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- IV. No accrued sick leave shall be paid out upon separation from the City service unless indicated in any MOU. Employees recalled from layoff or reinstated to a position within six months from layoff date, in the Classified Service, shall have restored to them all unused sick and/or unpaid leave accrued as of the effective date of separation.
- V. Sick leave shall not accrue during leaves of absence without pay in excess of thirty (30) days except for a temporary military leave for active training as defined by Section 395 of the State Military and Veterans Code.
- VI. Full-time employees may utilize up to half of the employee's accrued sick leave due to an illness or injury of an immediate family member or domestic partner. Accrued sick leave may also be used for medical and dental appointments of the employee where it is unfeasible to schedule them on the employee's own time.

19.03 BEREAVEMENT LEAVE

Full-time employees shall, on an annual basis (calendar year), be allowed a maximum of five (5) paid working days off per calendar year in the event of a death in the immediate family or domestic partner. Unused annual bereavement leave shall not accumulate from calendar year to calendar year. Only scheduled working days missed due to attendance at the funeral or its equivalent and/or due to related arrangements will be compensated. The City may require reasonable proof that the above conditions have been met.

19.04 DEDUCTION OF LEAVE TIME FOR FLSA EXEMPT EMPLOYEES

The City has determined that various executive, administrative and professional employees are exempt from the overtime requirement of the Fair Labor Standards Act (FLSA). In

certain circumstances, the City may make deductions when an exempt employee is absent from work for more than one or more full days pursuant to the FLSA.

19.05 JURY DUTY AND COURT APPEARANCES

- I. An employee who is called to serve as a juror shall be entitled to leave during the period of such service or while necessarily being present in court as the result of a summons. Under these circumstances, the employee shall be paid his/her full salary for this period, provided the employee remits to the City jury fees received. Such fees shall not include mileage reimbursements or subsistence payment.
- II. An employee who is subpoenaed to appear in court in an official capacity shall be allowed to do so without loss of compensation. An employee subpoenaed to appear in court in a matter unrelated to his/her official capacity as a City employee shall be permitted time off without pay, or if the employee chooses, he/she may use accrued leaves.

19.06 MILITARY LEAVE

Military leave shall be granted in accordance with federal and state law. An employee requesting leave for this purpose shall provide, whenever possible, the Department Head with a copy of the military orders.

19.07 FAMILY AND MEDICAL LEAVE AND CALIFORNIA FAMILY RIGHTS ACT POLICIES

To the extent not already provided for under current leave policies and provisions, the City will provide family and medical care leave for eligible employees as required by state and federal law. The following provisions set forth certain of the rights and obligations with

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respect to such leave. Rights and obligations which are not specifically set forth below are set forth in the Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 (“FMLA”), and the regulations of the California Family Rights Act (“CFRA”). Unless otherwise provided by this article, “Leave” under this article shall mean leave pursuant to the FMLA and CFRA.

I. Definitions

- A. “12-Month Period” means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.
- B. “Child” means a child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee’s child is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster or step-child, legal ward or a child of a person standing in loco parentis.
- C. “Parent” means the biological parent of an employee or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child. This term does not include parents-in-law.
- D. “Spouse” means a husband or wife as defined or recognized under California State law for purposes of marriage.
- E. “Domestic partner” means a person defined under California Family Code Section 297.

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II. Reasons for Leave

A. Leave is only permitted for the following reasons:

1. The birth of a child or to care for a newborn of an employee;
2. The placement of a child with an employee in connection with the adoption or foster care of a child;
3. Leave to care for a child, parent, domestic partner or a spouse who has a serious health condition; or
4. Leave because of a serious health condition that makes the employee unable to perform the functions of his/her position.

III. Employees Eligible for Leave

A. An employee is eligible for leave if the employee:

1. Has been employed for at least 12 months; and
2. Has been employed for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

IV. Amount of Leave

A. Eligible employees are entitled to a total of 12 work weeks of leave during any 12-month period, as specified in Section 1a) of this Rule.

1. Minimum Duration of Leave

If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an

employee is entitled to leave for one of these purposes (e.g., bonding with a newborn) for at least one day, but less than two weeks' duration on any two occasions. If leave is requested to care for a child, parent, domestic partner, spouse or the employee him/herself with a serious health condition, there is no minimum amount of leave that must be taken. However, the notice and medical certification provisions of this policy must be complied with.

2. Spouses Both Employed by the City

In any case in which a husband and wife both employed by the City are entitled to leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period if leave is taken for the birth or placement for adoption or foster care of the employees' child (i.e., bonding leave). This limitation does not apply to any other type of leave under this policy.

V. Employee Benefits While on Leave

- A. Leave under this policy is unpaid. While on leave, employees will continue to be covered by the City's group health insurance to the same extent that coverage is provided while the employee is on the job. However, employees will not continue to be covered under other City benefit plans which are not provided pursuant to the agency's group health plans. Leave benefits such as sick, vacation and administrative leave will not accrue during unpaid leaves.

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- B. Employees may make the appropriate contributions for continued coverage under the preceding non-health benefit plans by payroll deductions or direct payments made to these plans. Depending on the particular plan, the City will inform you whether the premiums should be paid to the carrier or to the City. Your coverage on a particular plan may be dropped if you are more than 30 days late in making a premium payment. However, you will receive a notice at least 15 days before coverage is to cease, advising you that you will be dropped if your premium payment is not paid by a certain date. Employee contribution rates are subject to any change in rates that occur while the employee is on leave.
- C. If an employee fails to return to work after his/her leave entitlement has been exhausted or expires, the City shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his/her family member which would entitle the employee to leave, or because of circumstances beyond the employee's control. The City shall have the right to recover premiums through deduction from any sums due the City (e.g. unpaid wages, vacation pay, etc.).

VI. Substitution of Paid Accrued Leaves

While on leave under this policy, an employee may elect to use paid accrued leaves concurrently with FMLA/CFRA leave. Similarly, the City may require an employee

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to use paid accrued leaves concurrently with FMLA/CFRA leave, and may also require an employee to use paid leave concurrently with a non-FMLA/CFRA leave which is FMLA/CFRA-qualifying.

A. Employees Right to Use Paid Accrued Leaves Concurrently With Family Leave

1. Where an employee has earned or accrued paid vacation, administrative leave, or compensatory time, that paid leave may be substituted for all or part of any unpaid leave under this policy.
2. As for sick leave, an employee is entitled to use sick leave concurrently with leave under this policy if:
 - a. The leave is for the employee's own serious health condition;
or;
 - b. The leave is needed to care for a parent, spouse, domestic partner, or child with a serious health condition, and would be permitted as sick leave under the City's sick leave policy.

B. The City's Right To Require An Employee To Use Paid Leave When Using FMLA/CFRA Leave

1. It is the City's right to require employees must exhaust their accrued sick leave, compensatory leave, and administrative leave concurrently with FMLA/CFRA leave, if the leave is for the employee's own serious health condition.

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2. Whenever the use of accrued sick leave is required concurrently with FMLA/CFRA leave, the employee will have the right to coordinate the sick leave use with State Disability Insurance (SDI) benefits.
3. It the City's right to require employees their accrued compensatory and administrative leave concurrently with FMLA/CFRA leave, if the leave is for reasons other than the employee's own serious health condition.
4. The use of vacation leave concurrently with FMLA/CFRA leave will be at the election of the employee.

VII. Medical Certification

Employees who request leave for their own serious health condition or to care for a child, parent, domestic partner or a spouse who has a serious health condition must provide written certification from the health care provider of the individual requiring care if requested by the City. If the leave is requested because of the employee's own serious health condition, the certification must include a statement that the employee is unable to work at all or is unable to perform the essential functions of his/her position.

A. *Time to Provide a Certification*

When an employee's leave is foreseeable and at least 30 days notice has been provided, if a medical certification is requested, the employee must provide the certification before the leave begins. When this is not possible, the employee must provide the requested certification to the City within the

time frame requested by the City (which must allow at least 15 calendar days after the employer's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

B. Consequences for Failure to Provide an Adequate or Timely Certification

If an employee provides an incomplete medical certification, the employee will be given a reasonable opportunity to cure any such deficiency.

However, if an employee fails to provide a medical certification within the time frame established by this policy, the City may delay the taking of FMLA/CFRA leave until the required certification is provided.

C. Recertification

If the City has reason to doubt the validity of a certification, the City may require a medical opinion of a second health care provider chosen and paid for by the City. If the second opinion is different from the first, the City may require the opinion of a third provider jointly approved by the City and the employee, but paid for by the City. The opinion of the third provider will be binding. An employee may request a copy of the health care provider's opinions when there is a recertification.

D. Intermittent Leave or Leave on a Reduced Leave Schedule

If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule to care for an immediately family member with a serious health condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary"

means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

VIII. Reinstatement Upon Return From Leave

A. *Right to Reinstatement*

Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Employees have no greater rights to reinstatement, benefits and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period. If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If the reinstatement date differs from the original agreement of the employee and City, the employee will be reinstated within two business days, where feasible, after the employee notifies the employer of his/her readiness to return.

B. *Employee's Obligation to Periodically Report on His/Her Condition*

Employees may be required to periodically report on their status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.

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C. *Fitness for Duty Certification*

As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform his/her job, the employee must obtain and present a fitness-for-duty certification from the health care provider that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement.

D. *Reinstatement of "Key Employees"*

The City may deny reinstatement to a "key" employee (i.e., an employee who is among the highest paid 10 percent of all employed by the City within 75 miles of the work site) if such denial is necessary to prevent substantial and grievous economic injury to the operations of the City, and the employee is notified of the City's intent to deny reinstatement on such basis at the time the employer determines that such injury would occur.

IX. Required Forms

Employees must complete applicable forms in connection with leave under this policy.

- A. Medical certification either for the employee's own serious health condition or for the serious health condition of a child, parent, spouse or domestic partner;
- B. Authorization for payroll deductions for benefit plan coverage continuation.

19.08 PREGNANCY DISABILITY LEAVE

It is the policy of the City that a leave of absence due to disability arising from pregnancy, child birth or related condition be treated in the same manner as any other disability.

- I. An employee who becomes pregnant is responsible for notifying her supervisor of any restriction she may have as a result of pregnancy.
- II. Disability leave due to pregnancy, child birth or related medical condition will commence when the employee's physician certifies that she is no longer able to perform her work.
- III. The City reserves the right to initiate a leave of absence if the employee's work is adversely affected by the pregnancy in the same manner in which any other employee may be removed for unfitness for duty reasons.
- IV. Disability leave due to pregnancy or child birth or related medical condition will continue for the period of disability up to four (4) months. Upon expiration of the approved leave, the employee shall be reinstated to her former position or to a comparable one if the former position is abolished during the period of leave and the employee would otherwise not have been laid off. The comparable position is one having similar terms of pay, location, job content and promotional opportunities. Prior to the employee being reinstated, the City may require a fitness-for-duty notice from the attending physician stating that the employee is physically capable of resuming the regular duties of her position.
- V. Employees are requested to give as much advance notice as possible of the date the leave will commence and the estimated duration of the leave.

19.09 ELIGIBILITY FOR BENEFITS FOR TEMPORARY, PART-TIME AND EXEMPT EMPLOYEES

I. Temporary Employees

Employees holding temporary appointments shall not accrue service credits or be provided any benefit other that required by state or federal law.

II. Part-Time Employees

Employees holding part-time, regular positions in the Classified Service shall accrue vacation, sick leave and holiday credits in the proportion that their average workweek bears to that of full-time regular employees. No other benefits will be provided.

III. Exempt Employees

Employees holding full-time positions in the Exempt Service shall be covered by all leave provisions contained in these Rules. As used in this context, the term “full-time” shall apply only to positions entailing a full workweek of at least forty (40) hours and employment on a year-round basis.

RULE 20. REPORTS AND RECORDS

20.01 PERSONNEL FILES

The Office of Human Resources shall maintain a personnel file for each employee in the service of the City. Employees shall be able to review their own personnel records upon reasonable written request. All personnel file review meetings will be supervised by the Office of Human Resources.

Contents of File

Each employee's personnel file will contain such information as is needed by the City in conducting its business or is required by federal, state or local law. This information normally will include, but is not limited to:

- I. Application forms
- II. Payroll information
- III. Performance evaluations
- IV. Disciplinary records
- V. Personnel Action Forms

20.02 CHANGE OF STATUS REPORTING

Every appointment, transfer, promotion, demotion, change of salary rate, or other temporary or permanent change in status of employees shall be reported to the Personnel Officer as prescribed by these Rules or by administrative policy.

RULE 21. TRAINING

21.01 RESPONSIBILITY FOR TRAINING

The responsibility for developing training programs for employees shall be assumed jointly by the appointing authority, the Office of Human Resources and Department Heads. Such training programs may include lecture courses, demonstrations, access to reading matter or such other resources as may be available for the purpose of improving the effectiveness and broadening the knowledge of municipal officers and employees in the performance of their duties.

21.02 CREDIT FOR TRAINING

Participation in and successful completion of special training courses may be considered in making advancements and promotions. Evidence of such activity shall be filed by the employee with the Department Head and a copy retained in the employee's personnel file.

21.03 PROMOTIONAL TRAINING PROGRAM

A Department Head may, with the approval of the appointing authority, institute a training program for employees in his/her department for promotional purposes which may include the temporary assignment of such employees out of class. However, no employee shall be assigned to work out of his/her classification for longer than sixty (60) working days in any calendar year, nor shall this provision conflict with any provision in effect in a memorandum of understanding between the City and a recognized employee organization.

RULE 22. FORMS AND PROCEDURES

The Personnel Officer shall be responsible for the preparation and revision of such forms, documents, records, and operating procedures as are necessary to the accomplishment of the provisions of these Rules and as are required in the administration of a sound and equitable personnel program for the City.