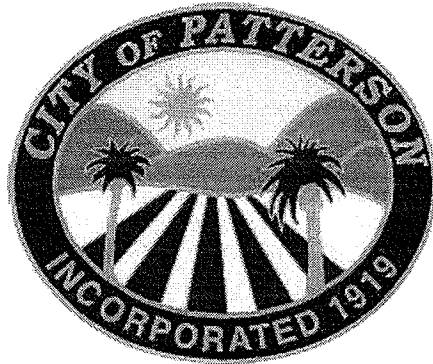


CITY OF PATTERSON

PERSONNEL POLICIES

MERIT SYSTEM



RULES & REGULATIONS

Adopted December 6, 2005
By Resolution (No. 2005-117)

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EMPLOYEE MERIT SYSTEM RULES AND REGULATIONS
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CITY OF PATTERSON
EMPLOYEE MERIT SYSTEM RULES AND REGULATIONS

CHAPTER 1: GENERAL

SECTION 101

ADOPTION OF RULES AND REGULATIONS

The following Rules and Regulations have been approved by the City Council by Resolution No. 2005-117 pursuant to the authority granted in the Patterson Municipal Code in order to establish an equitable and uniform procedure for dealing with personnel matters, and to place municipal employment on a merit basis so that the most qualified available people may be brought into and retained in the municipal service. These rules and Regulations supercede all previous Merit System Rules and regulations, specifically those adopted May 17, 1983 Council Resolution 83-28, and any amendments thereto.

SECTION 102

ADMINISTRATION OF THE MERIT SYSTEM

- A.** The City Manager and his/her designee is the Personnel Officer and shall administer all provisions of the Merit System not specifically reserved to the City Council. The City Manager has the authority to issue Administrative Regulations to establish procedures and otherwise amplify existing rules and regulations. The City Manager has the authority to appoint and to exercise general control and supervision over all officers, department heads and other City employees, subject to the review of the City Council.
- B.** The following positions shall be appointed directly by the City Council, serve at the pleasure of the Council, and may be removed directly by the Council:

City Manager
City Attorney
City Treasurer

Such positions shall be exempt from the provisions of Chapters 9 and 10. In addition, the City Council shall have authority to employ as independent contractors or consultants, such other individuals or organizations as it deems appropriate and in accordance with law. Such individuals shall be exempt from these Rules and Regulations.

- C.** All other Department Heads (also referred to herein as City Officers) as defined in Section 201 (D) shall serve at the pleasure of the City Manager and may be removed at will, subject to the review of the Council. Such Department Heads are exempt from the provisions of Chapter 9 and 10.
- D.** All other regular employees may be employed and removed by the City Manager, and as provided herein below.

SECTION 103

PURPOSE AND POLICY

The objective of these Rules and Regulations is to facilitate effective and economical services to the public and to provide for a fair and equitable system of personnel management in the municipal service. These Rules and Regulations set forth in detail

those procedures, which ensure equal treatment for applicants and employees, and define the obligations, rights, privileges, benefits and prohibitions place upon all employees in the municipal service. This manual is not, nor is it intended to be, a contract or a guarantee of employment, and does not change the long-standing right of either party to terminate the employment relationship at will. The City of Patterson reserves the right, in its sole discretion, to modify, alter or amend the manual at any time.

SECTION 104

PERSONNEL POLICY

The City of Patterson is an Equal Opportunity Employer offering job opportunities based solely on job related skills, knowledge and performance without discrimination because of race, color, religion, national origin, sex, age, physical disability, sexual orientation, or any other factor unrelated to job qualifications or performance.

The City does not condone and will not tolerate any action on the part of an employee to discriminate against any other employee or client of the City. Further the City strongly condemns and prohibits harassment of any individual because of the individual's sex, race, religious convictions, color, age, national origin, ancestry, marital status, medical condition, sexual orientation, or physical or mental disability.

Harassment includes, but is not limited to:

1. Verbal harassment such as epithets, derogatory comments, or slurs;
2. Physical harassment such as assault, impeding or blocking movement, or any other physical interference directed at an individual;
3. Visual forms of harassment such as derogatory posters, cartoons, or drawings;
4. Sexual harassment such as unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature, such as name calling, suggestive comments, or lewd talks and jokes, if such conduct unreasonably interferes with an individual's work performance or has the purpose or effect of creating an intimidating, hostile, or offensive work environment.

An employee that believes that he/she is the victim of harassment, has the right to file a complaint of alleged harassment. See Appendix A, Administrative Policy No.2, for information on filing a claim for harassment.

SECTION 105

EMPLOYMENT CONSTITUTES ACCEPTANCE OF RULES

By accepting or continuing employment with the City, each employee agrees to be governed by and to comply with the Merit System Rules and Regulations, the Administrative Policies established by the City Manager, and the rules, regulations and directives of the department to which he or she is assigned. All applicants for employment shall be required to take a pre-employment physical examination, which may include an alcohol and/or drug test. See Appendix A, Administrative Policy No. 3. Each employee will have access to a copy of these rules and shall sign a receipt-acknowledging acceptance.

SECTION 106

APPLICATION OF RULES

These rules shall apply to all City employees except to the extent that they are clearly and expressly superseded by a valid, current memorandum of understanding between the City and a recognized employee organization, or to the extent that any such City employee is

expressly exempted from coverage of any particular rule. In the event of a conflict between a provision, these Rules and Regulations and a provision in a valid current memorandum of understanding (“MOU”) between the City and a recognized employee organization, the provision of the MOU shall apply.

SECTION 107

CITY OF PATTERSON CODE OF ETHICS

The following value statement whether elected, appointed or employed, guides us, as officials and employees of the City of Patterson:

“Ethical behavior is critical to this organization’s ability to achieve its mission, goals, and objectives. The community’s perception of and confidence in City employees and officials are fundamental to quality government. As public servants, we are accountable for high standards of conduct.”

The Code of Ethics is an attempt to explain this value statement as it applies to our daily activities as City employees. In using this Code, several factors shall be considered:

- A. The Code of Ethics is an official administrative policy.
- B. The use of the term “employee” in this document is intended to apply to all employees and officials whether elected, appointed or employed.
- C. The Code of Ethics is not the only policy related to employee conduct. Some conduct may be ethical without being efficient, safe, or practical. Therefore, the Code of Ethics may not be the only standard to which an employee is held.
- D. Existing law and policy already address many areas of ethical conduct.
- E. Not all conduct fits neatly under the Code of Ethics. The standards and examples are designed to clearly guide conduct in common situations. Special circumstances may not be easily resolved by simply referring to the Code of Ethics. Employee supervisor, department head, or the City Manager can provide specific interpretation if necessary.

General Rule with Respect to Conflicts of Interest

As a general rule, employees shall not engage in or hold any direct or indirect interest in any business or transaction, which may conflict with their official duties. This includes any obligations (real or perceived), which may impair their independence of judgment in the discharge of their duties. Furthermore, employees shall not engage in conduct, which could reasonably give rise to the appearance of wrongdoing.

Actions and Conduct Designed to Build Public Confidence

Employees shall be impartial and dedicated to the best interests of the City. They shall conduct themselves, both inside and outside the City’s service, so as not to cause distrust of their impartiality or of their dedication to the City’s best interests.

Perceived conflicts are actions of an employee that the public may consider Preferential service or a lack of neutrality in dealing with department clientele. Employees shall avoid perceived conflicts of interest.

Acceptance of Favors and Gratuities

Employees shall not accept money or other consideration or favors from anyone other than the City for an act which they would be required or expected to perform in the regular course of their duties nor shall employees accept any gifts, gratuities, including meals, or favors of any kind from individuals or firms doing business or proposing to do business with the City if, considering all the circumstances involved in a given situation, acceptance of said gifts, gratuities or favors would give the impression that possible preferential or special privilege is being sought or given.

1. Individual employees shall not accept gifts from department clientele. Gifts are objects or services that have a material value.
2. The department or division may accept small gifts when they can be consumed at the work place, are in keeping with the occasion and are made available to all personnel.
3. Employees shall not attend events or functions paid for by department clientele unless the event is of a public nature.
4. When in doubt, thank the person for the kind thought and explain that it is department policy not to accept gifts.

Use of Confidential Information

Employees shall not disclose confidential information acquired by or available to them in the course of their employment with the City or use such information for personal gain. This applies to improper disclosure within the organization as well as to the public.

Use of City Employment and Facilities for Private Gain

Employees shall not use, for private gain or advantage, their City time or the City's facilities, equipment or supplies, nor shall they use or attempt to use their position to secure unwarranted privileges or exemptions for themselves or others.

1. Employees may not be given priority use of City facilities and programs unless it is an explicit perquisite of employment (e.g., provided for by an employee group's MOU or an individual employee's contract).
2. Employees shall not use heavy equipment for purposes unrelated to their official duties. Employees may be allowed limited use of office equipment or hand tools during off-duty hours for non-business purposes provided it does not conflict with any City use or represent a direct cost to the City and is done with supervisor approval. Equipment shall not be taken out of City facilities for non-City purposes. All equipment used away from the City work place for City business must be authorized. Employees on 24-hour duty may use office and other light equipment during their assigned break periods with departmental approval.

3. In general, employees shall use their lunchtime or break time to do personal business, make phone calls and run errands. However, limited personal business may be conducted during normal working hours if it is approved in advance, if the time involved is made up and it does not detract from job performance.
4. With supervisor approval, employees may take, for personal use, discarded or unnecessary materials that would otherwise be wasted. Employees may purchase surplus equipment like the general public if they have not been involved in the decision to declare it surplus.

Contracts with the City

City Officers and employees cannot be involved, in any way, with any contract or sale in which they have a financial interest. Government Code Section 1090 expressly prohibits such involvement, and a violation of this statute can be punishable as a felony. This means that an employee shall not exercise any discretionary powers for, nor make any recommendations on behalf of or to the City or any City Department with respect to any Contract or sale involving the City if that employee is directly or indirectly financially interested in the contract or sale. If employee have questions about this issue, employee shall consult with the City Attorney.

Outside Employment

Employees shall not engage in outside employment or business activities, which involve such hours of work or physical effort that it would or could be reasonable, expected to reduce the quality or quantity of such person's services to the City. Employees shall not be engaged in any outside employment that involves the performance by them of any work, which will come before them as officers or employees of the City, or under their supervision, for approval or inspection. Employees shall not accept employment that is in conflict with provisions of Government Code Section 97000 (Conflict of Interest). Before accepting outside employment, an employee must first obtain approval from his/her Department Head.

The employee shall submit a statement to the Department head naming the prospective employer, his/her address and telephone number, and outlining the proposed duties and the hours of work. Approval may be denied if, in the opinion of the Department head, such outside employment is incompatible with the proper discharge of the employee's official duties and/or constitutes a conflict of interest. All such approvals shall be resubmitted prior to January 10, each year to maintain a valid continuous authorization. Authorization for outside employment is automatically terminated whenever the outside employer and/or nature of outside employment changes from that specified on the request for outside employment approval. When such a change occurs, employees shall apply for a new approval for outside employment as provided herein.

1. With approval of the City Manager and Department head, employees may be employed or conduct business outside City employment consistent with the limitations above.

2. Employees shall not make decisions nor participate in decisions affecting projects sponsored in whole or in part by people or companies they have contracted or subcontracted with. Employees shall not make decisions or participate in decisions concerning projects sponsored (in whole or in part) by people they have worked for within the past 12 months, are currently working for, or anticipate working for in the future.

Personal Investments

Employees shall not make personal investments, which could be expected to create a substantial conflict between their private interests and the public interests. If an employee has a financial interest in a matter coming before him/her, or before the department in which he/she is employed, he/she shall disqualify himself from any participation in the matter.

1. Employees shall not make decisions or participate in decisions affecting projects that may affect (either positively or adversely) their personal property.
2. Conflicts of interest, as defined by state law and presented below, focus on public decision-making and measurable "financial interests." Government Code Section 87100 states the following:

"No public official [which includes many City employees] shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest."

- "a. Any business entity in which the official has a direct or indirect investment worth \$1,000 or more;
- "b. Any real property in which the official has a direct or indirect interest worth \$1,000 or more;
- "c. Any source of income of at least \$250 received or promised within 12 months prior to the decision;
- "d. Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any management position;
- "e. Any donor of or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more received or promised within 12 months prior to the decision."

3. Employees shall not participate in decisions that may significantly affect relatives or close personal friends.

Behavior in the Workplace

Employees are responsible for conducting themselves professionally and lawfully in the workplace. Employees are expected to be aware of and conduct themselves in accordance with the Administrative policies of the City of Patterson.

SECTION 108

NON-DISCRIMINATION POLICY

POLICY:

- A. Generally: It is the policy of the City of Patterson to promote an employment environment free of unlawful discrimination, including incidences of harassment, sexual or otherwise. Discrimination on the basis of race, color, religion, sex, national origin, ancestry, handicap, medical condition, marital status, or age over 40 in the work environment is unlawful and will not be tolerated by the City.
- B. Sexual Harassment: Sexual harassment is a form of unlawful sexual discrimination and will not be tolerated by the City. Federal and State guidelines provide that unwelcome sexual advances, request for sexual favors and other verbal, visual, or physical conduct of a sexual nature constitute sexual harassment when:
- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - (2) The submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - (3) Sexual advances, requests for sexual favors or other physical conduct of a sexual nature have the purpose or effect of unreasonably interfering with an employee's work performance or of creating an intimidating, hostile, or offensive work environment.

COMPLAINT PROCEDURE

The goal of a harassment complaint procedure is to stop harassing behavior in a prompt and effective manner, while still maintaining a good working relationship among the City's employees. All City employees have the right to file complaints of alleged sexual harassment. The procedure for filing sexual harassment complaints is as follows:

- A. Informal Complaint: Any employee, who has been harassed, sexual or otherwise, may attempt to immediately resolve the problem informally by expressing his/her discomfort with the behavior to the offender in a constructive manner, and by requesting the offender to stop the behavior. Compliance with this informal complaint is not a prerequisite to the filing of a formal complaint
- B. Formal Complaint: An employee who alleges that he or she has personally suffered harassment, sexual or otherwise, or one who has learned of such unlawful harassment in his or her official capacity, shall report such unlawful discrimination, either orally or in writing, to his/her immediate supervisor, or directly to the City Manager. In making such reports, the employee need not follow any established chain of command, so long as the matter is reported to any supervisory or managerial employee. If the immediate supervisor is involved in the reported conduct or, if for some reason the employee feels uncomfortable about making a report to the supervisor, the report shall be made to the City Manager, any Department Head, or a member of the City Council if necessary.

The complaint may be referred to a person designated by the City Manager to investigate such complaints, as appropriate.

- C. Investigation of Complaint: Upon receipt of a complaint of harassment, sexual or otherwise, the Investigator shall fill out an "Interview Form For Documenting Discrimination Cases," and shall conduct an immediate investigation into the allegations. The investigation may include meeting with the complainant, the accused, and any witnesses to the conduct.
- D. Resolution: Once the investigation is complete, the responsible manager shall make a determination of the appropriate corrective action, if any, and shall inform the complainant.
- E. Confidentiality: Throughout the process, the matter subject to the complaint shall be kept as confidential as possible. Materials pertaining to the complaint, which do not form a basis for discipline, shall be maintained in a file separate from the personnel files of the participants.
- F. Dissemination of Policy: Copies of the City's Non-Discrimination Policy, and of these complaint procedures shall be provided to all employees of the City upon adoption, and again at yearly intervals thereafter. Copies shall also be provided to all new employees at the time of hiring.

CHAPTER 2: DEFINITIONS

SECTION 201

DEFINITION OF TERMS

The following terms used in these Rules and Regulations are defined as follows:

- A. ADMINISTRATIVE LEAVE WITH PAY shall mean compensated time off and is not a disciplinary action. While on administrative leave with pay, the employee shall continue to earn salary and all other applicable benefits.
- B. CLASSIFICATION PLAN shall mean a list of titles of the classes of all regular positions in the municipal service and a written specification including a general description of the work, a statement of the duties and responsibilities of the position and desirable qualifications for appointment, and such other pertinent information as the City Manager or his/her designee may deem desirable.
- C. CONTINUOUS SERVICE shall mean employment on a regular basis, which is not interrupted by termination, or leaves of absence without pay, longer than one year in duration, other than military leave.
- D. "DEPARTMENT HEADS" shall be used synonymously with the term "Officers" and shall include the following positions:
 - City Clerk
 - Finance Director
 - Fire Chief
 - Community Development Director
 - Public Works Director
 - Recreation/Parks Director

- E. DISCHARGE shall mean involuntary termination of employment.
- F. DISCIPLINARY PROBATION as distinguished from probation for new employees or employees newly promoted to higher classifications, shall mean the placing of an employee on probationary status pursuant to the procedures contained in Chapter 10, for a period not to exceed one (1) year. Employees placed on disciplinary probation may be terminated for failure to meet the probationary conditions established at the time of discipline, or for cause as provided in Chapter 10. Employees placed on disciplinary probation shall not accrue vacation, sick leave or earned time for salary review during the probationary period. However, if the employee successfully completes the disciplinary probation and is reinstated to regular status, the employee shall be credited with any sick leave or vacation, which would have been earned, but for the disciplinary probationary status.
- G. DEMOTION shall mean the movement of an employee from one class to another class at a lower rate of pay for disciplinary reasons.
- H. DEMOTION FROM PROMOTIONAL PROBATION means the movement of an employee from the promotional class back to the employee's original class at a lower rate of pay for failing to meet probationary standards.
- I. EXAMINATION
1. OPEN COMPETITIVE EXAMINATION shall mean an examination for a particular class, which is open to all qualified persons.
 2. CONTINUOUS EXAMINATIONS shall mean an open competitive examination, which is, administered periodically as a result of which names are placed on an eligible list, in order of final scores, for a period of not more than one year.
 3. PROMOTIONAL EXAMINATION shall mean an examination for a particular class which is open to all qualified persons, but as to which additional consideration may be given to current City employees in order to promote upward mobility and career advancement of existing employees, and to recognize the value of prior service within the City in attaining the level of skill, experience and training required for success in the position.
- J. MANAGEMENT LEAVE shall mean compensated time off for senior and mid-management personnel. While on management leave with pay, the employee shall continue to earn salary and all other applicable benefits.
- K. NON-PAY STATUS shall mean the period in which an employee is not at work has been granted a leave of absence without pay, or has been suspended without pay as a disciplinary measure.
- L. PAY STATUS shall mean the period in which an employee is at work, on vacation leave, sick leave, paid leave as a result of an industrial accident, leave with full pay in lieu of temporary disability benefits, administrative leave with pay, compensatory time off, paid temporary military leave of absence, or other approved leave of absence with pay. "Pay Status" shall not apply to any period

that the employee is on unpaid leave of absence or suffering unpaid disciplinary suspension.

- M. PROMOTION shall mean the movement of an employee from one class to another class having a higher rate of pay.
- N. REDUCTION IN SALARY shall mean the movement of an employee from one step on the salary schedule to a lower step on the salary schedule in the same range or classification.
- O. SALARY RANGE shall mean a series of progressive steps between a specific minimum and maximum rate.
- P. SUSPENSION shall mean the temporary removal of an employee from pay status as a disciplinary action.
- Q. TERMINATION shall mean the separation of an employee from municipal service due to death, discharge, lay-off, resignation, retirement, work completion, or rejection from probation.
- R. TRANSFER shall mean the movement of any employee from one job classification to another classification, at the same salary range, or from one assignment to another in the same classification.
- S. VOLUNTARY DEMOTION shall mean the movement of an employee from one classification to another classification at a lower rate of pay by request of the employee.

CHAPTER 3: EMPLOYMENT

SECTION 301

CITIZENSHIP

Except as otherwise provided by state Law, employment is open to qualified men and women eligible under appropriate federal regulations to work in the United States. It is the policy of the City of Patterson to hire only citizens of the United States or others authorized to work in the United States. Documentation of eligibility to work in the United States will be required as a condition of employment.

SECTION 302

EQUAL EMPLOYMENT OPPORTUNITY

The City shall strive to afford equal employment opportunity at all levels of employment in a positive sense.

1. Employment opportunities shall be open to all persons regardless of race, color, sex, religion, national origin, age, handicap, or marital status.
2. City personnel programs shall be administered in such a manner as to remove barriers to the employment and advancement of women, minority group persons, and the disable (physically and/or mentally).
3. Efforts shall be made to attract and assist women, minority group persons and disabled persons to qualify for employment and promotion.

SECTION 303

RECRUITMENT

Recruitment for qualified applicants may be a continuing process in order that, where possible, the City will have available applications of interested, qualified persons for possible employment. Notices of employment opportunities may be placed in newspapers, magazines, announcements, or given to reputable agencies offering those services, which it is felt, will bring response from qualified persons. The City, however, shall not pay any fee or service charge for any applicant who is referred to it by any employment agency.

SECTION 304

APPLICATION

All candidates for employment shall file an application with the Personnel Office on the official City application form.

SECTION 305

SELECTION PROCESS

- A. The City Manager or his/her designee, shall adopt selection techniques, which are impartial and related to the duties and responsibilities of the position to be filled. The selection process may consist of such recognized techniques as:
1. A written test measuring the candidate's job-related knowledge or skills.
 2. An evaluation of each candidate's application in terms of applicable training and experience.
 3. Performances test whereby candidates demonstrate the degree of job knowledge and ability possessed.
 4. A physical fitness test whereby candidates demonstrate their physical capacity to perform tasks directly related to the job;
 5. A personal interview and a review of personal references designed to evaluate the candidate's personal characteristics and background.
 6. A medical examination, drug screen, DOJ background check; and other selection techniques, which, in the judgment of the City Manager or his/her designee, are necessary to evaluate the candidate's capacity to perform the job tasks.
- B. When the selection process is complete, the City Manager or his/her designee shall identify those candidates who appear most qualified for the position under consideration. The appointment shall not become effective until the selected applicant has signed all official papers required by the City, and those papers bear the appropriate signatures confirming the appointment.

SECTION 306

INELIGIBILITY OR DISQUALIFICATION

The City Manager or his/her designee may withdraw anyone from consideration whose appointment will be deemed contrary to the best interest of the City. Reasons for disqualification may include, but shall not be limited to the following:

- A. Lack of any of the minimum qualifications established for the position sought.
- B. Physical or mental disability, such as to render the applicant unfit to perform the duties of the position to which appointment is sought, without reasonable accommodation.
- C. Excessive use of intoxicants.
- D. Unlawful use of controlled substances.
- E. Conviction of a felony or misdemeanor involving moral turpitude.
- F. Resignation from any position to avoid dismissal.
- G. Deception or fraud in the application for employment or in the selection process.
- H. Bad driving record, as determined by the most recent D.M.V. readout, for positions requiring use of City vehicles.
- I. Request by applicant that his name be withdrawn from consideration.
- J. Failure to reply within a reasonable time, as specified by the Personnel Office, to communication concerning availability for employment.
- K. Disqualification or unsuitability for employment as specified in any rules or regulations of the City or of the pertinent department.

SECTION 307

CATEGORIES OF APPOINTMENT

Employment in the municipal service is divided into the following categories:

- A. **REGULAR.** Regular employees are those who *(1)* have been appointed to an authorized position in the Employee Compensation Plan having a monthly salary, and *(2)* who have successfully completed their probationary period and have been retained, as hereafter provided in Chapter 9 of these Rules and Regulations.
- B. **PROBATIONARY.** Probationary employees are those who, through the regular examining process, have been appointed to an authorized position in the Employee Compensation Plan having a monthly salary, but have not yet completed the probationary period provided in Chapter 9 of these Rules and Regulations.
- C. **TEMPORARY (FULL-TIME) EMPLOYEES:**

Full-time temporary employees are those hired for a specific job or period of time not to exceed 1,000 hours per fiscal year. Personnel and Department Heads are responsible for ensuring that this limit is not exceeded.

Full-time temporary employees may be terminated by the City Manager or his/her designee at any time, with or without notice, for cause or for the convenience of the City, and are exempt from the provisions of Chapters 7, 9 and 10.

- D. **TEMPORARY (PART-TIME) EMPLOYEES:**

Part-time temporary employees are those hired to work not more than nineteen (19) hours a week, are paid on an hourly basis, and do not exceed 1000 hours per fiscal year.

Part-time temporary employees may be terminated by the City Manager or his/her designee at any time, with or without notice, for cause or for the convenience of the City, and are exempt from the provisions of Chapters 7, 9 and 10.

SECTION 308

REAPPOINTMENTS

Reappointments after termination will be considered as new employment. However, reappointments made within six (6) months after the date of termination may be made with reinstatement of prior seniority, sick leave and pay rate at the discretion of the City Manager.

SECTION 309

TRANSFER

At the discretion of the City Manager, or the employee's department head, any employee may be transferred from one job classification to another at the same salary range, or from one assignment to another in the same classification. Employees may only be involuntarily transferred to classifications for which the employee possesses the minimum qualifications.

SECTION 310

PROMOTION

To encourage the advancement of personnel within the organization, promotional examinations for vacancies in City employment will be periodically conducted, as the needs of the City require. All promotional opportunities will be posted on bulletin boards selected by the City Manager or his/her designee, at least five (5) working days prior to the application period opening.

SECTION 311

CONTINUED EMPLOYMENT

Continued employment of employees with the City of Patterson shall be subject to good behavior, satisfactory work performance, necessity for the performance of work, and the availability of funds.

SECTION 312

REGULAR EMPLOYEE PERFORMANCE REPORTS

Each regular employee shall receive an annual performance report at or near the anniversary of the employee's hire or promotion date. The performance report shall be in a format approved by the City Manager or his/her designee, signed by the employee's Department Head, and forwarded to the Personnel Office. Each employee performance report must be discussed with and signed by the evaluated employee.

SECTION 313

DEMOTION

The City Manager or Department Head may demote an employee whose ability to perform his required duties falls below acceptable standards; for disciplinary reasons set forth in Section 1002; when the need for the position which an employee fills no longer exists; or when an employee requests such a demotion. No employee shall be demoted to a classification for which he does not possess the minimum qualifications. When the action is initiated by the Department Head, written notice of demotion shall be given an employee at least five (5) days before the effective date of the demotion. An employee may appeal such action in the manner provided in Section 1104, et. seq.

SECTION 314

SUSPENSION

- A. **BY CITY MANAGER.** The City Manager may suspend an employee under his control from his position at any time for reasons of pending disciplinary action; for disciplinary reasons set forth in Section 1002; or for other just cause, including, but not limited to, inefficiency, incompetence physical disability or mental incapacity.

- B. **BY DEPARTMENT HEAD.** Department Heads may, for cause as specified in A. above, suspend an employee for not more than three (3) days at any one time without the approval of the City Manager. Written notice of suspension shall be given to the employee at the time the suspension is invoked. Any employee may appeal such action in the manner provided in Section 1004, et. Seq.

SECTION 315

REINSTATEMENT

The City Manager may reinstate any suspended employee for good cause and may upon such reinstatement compensate, in whole or part, such employee for the time lost.

CHAPTER 4: TERMINATION OF EMPLOYMENT

SECTION 401

TERMINATION: RESIGNATION

An employee wishing to leave the service of the City in good standing either by resignation or retirement shall give the Department Head concerned at least two (2) weeks written notice. In the case of a department head who wishes to resign, a minimum of two (2) weeks written notice shall be given to the City Manager. The effective date of the resignation shall be the date specified by the employee, or such other date as is mutually agreed between the employee and the City Manager. After written acceptance by the City Manager, a resignation or retirement may not be rescinded by the employee without written consent of the City Manager.

SECTION 402

TERMINATION: ABSENCE WITHOUT LEAVE

Absence without leave for more than three (3) consecutive work days or shifts may be deemed to be a resignation and may result in automatic termination of employment as provided in Section 1002 (h).

SECTION 403

TERMINATION: DUE TO REDUCTION OF WORKFORCE

- A. **Causes for Layoff.** An employee may be terminated by the City Manager because of changes in duties or organization, abolishment of position, shortage of work or funds, or completion of work. In cases involving regular employees only, notice of such termination will be given to the employee at least twenty-one (21) calendar days prior to the effective date of the termination. Such termination shall not be subject to appeal.
- B. **Order of Layoff.** The order of termination shall be in the reverse order of total cumulative time the employee has served in municipal service. Supervisory or management employees shall be eligible for lower rate positions based upon their seniority but non-supervisory or non-management personnel may not take supervisory or management positions solely based on seniority.

For the purpose of determining termination, total cumulative time shall include the employee's time served in probation and regular status, and time served on military leave of absence.

SECTION 404

TERMINATION: NON-DISCIPLINARY ACTION

The City Manager may terminate part-time and probationary employees at any time, with or without notice, for cause or for the convenience of the City. Regular employees terminated by the City Manager for cause or for the convenience of the City shall be given a written statement of the reasons for such termination and may appeal such action in the manner provided in Section 1004, et. Seq. Such cause may be other than cause for disciplinary action set forth in Section 1002, et Seq. and may include, but not be limited to, inefficiency and incompetence.

SECTION 405

TERMINATION: DISCIPLINARY ACTION

A non-exempt employee may be terminated for disciplinary reasons as provided in Chapter 10 of these Rules and Regulations.

SECTION 406

RETIREMENT: APPLICABLE REGULATIONS

Retirement from the municipal service shall be subject to the terms and conditions of the City's Employees' Retirement System.

SECTION 407

EXIT INTERVIEWS AND FINAL PAYCHECK

Any probationary or regular employee terminating employment with the City will be requested to have a voluntary exit interview with the City Manager or his/her designee. The purpose of the exit interview includes:

1. To obtain a forwarding address and other pertinent information from the employee.
2. To assure that the employee is informed about all matters related to benefits such as conversion of health and medical insurance, etc.
3. To assure clearance of all obligations with the City and to verify receipt of all City equipment, keys, identification card, etc.; and
4. To obtain an opinion from the employee relative to City working conditions and reasons for severing employment with the City.

CHAPTER 5: COMPENSATION AND HOURS

SECTION 501

EMPLOYEE COMPENSATION PLAN

An employee Compensation Plan shall be established to provide salary schedules, salary rates, salary changes, and steps and time intervals for salary review. Each class in the City classification plan shall be assigned a salary range or a rate established in the Compensation Plan. All persons employed by the City shall be compensated in accordance with the Compensation Plan currently in effect.

SECTION 502

**ADMINISTRATION AND REVIEW OF EMPLOYEE
COMPENSATION PLAN**

The City Council shall administer the Employee Compensation Plan for the City Treasurer, City Attorney, and City Manager. The City Manager or his/her designee shall administer the Employee Compensation Plan for all other employees, which shall be ratified by the City Council. At least once a year, the City Manager or his/her designee shall recommend to the City Council an appropriate salary range for each class. In case the salary range for a class is changed by the City Council, all employees whose position are allocated to this class shall be adjusted to the new range and step as approved by the City Manager.

SECTION 503

APPLICATION OF SALARY RANGES AND RATES

- A. **APPOINTMENT.** All initial appointments to classes assigned a pay range in the City Compensation Plan shall be at the first step of the salary range. The Department Head may make an appointment to a position, with the approval of the City Manager, at an appropriate higher salary step when in his/her opinion it is difficult to obtain qualified personnel at the starting salary or when it appears that the education or experience of a proposed employee is substantially superior to that required of the class and justifies a beginning salary in excess of the first step.
- B. **PROMOTION.** Any employee receiving a promotion shall start on the first step of the salary range of the class to which he is promoted, and shall thereafter be eligible for merit increases as elsewhere provided. However, if an employee's previous salary is equal to or is greater than the first step of the class to which he is promoted, the employee shall be placed on the step that is the equivalent of at least a 5% increase in salary. When the promotion includes the assigned responsibility of supervision over other employees, the salary level shall be increased by assigning the promoted employee to a higher step within the salary range to allow his annual salary to be a minimum of 5% above the salary of those he supervises.
- C. **TRANSFER.** A transfer may or may not affect an employee's salary level, depending on the classification.

SECTION 504

ADVANCEMENT WITHIN SALARY RANGE

An employee shall be considered for salary advancement in accordance with the time intervals established in the Employee Compensation Plan and the following provisions:

- A. **MERIT.** Advancement in a salary range shall be granted for continued improvement and efficient and effective service by the employee in the performance of his duties. Such merit advancements shall be made only upon the recommendation of the Department Head concerned, and with the approval of the City Manager or his/her designee. Nothing herein prohibits the granting of a merit salary advancement prior to the normal time intervals established in the Employee Compensation Plan. All approved merit salary advancements shall be effective on the first day of the payroll period coinciding with or following the employee's anniversary date or the date salary advancement is approved. Salary adjustments resulting from an employee's promotion or demotion shall become effective on

the first day of the payroll coinciding with or following the employee's promotion or demotion.

B. TIME REQUIREMENTS. For purpose of determining time requirements as specified in the Employee Compensation Plan, time will commence on the first day of the payroll period coinciding with or following entrance into a classification or on to a salary step.

SECTION 505

DEMOTION

The City Manager or his/her designee shall determine an employee's placement on the salary schedule for the class to which he or she is demoted.

SECTION 506

TIME INTERVALS FOR SUBSEQUENT SALARY INCREASES FOLLOWING RECLASSIFICATION OR SALARY REDUCTION

In the event an employee's job is reclassified to a lower paying classification or his salary is reduced because of inability to meet the standards for a current salary step, the same time intervals for subsequent salary increases as indicated in the Employee Compensation Plan shall apply unless special review considerations are established at the time of the salary decrease.

SECTION 507

STANDARD WORK PERIODS

- A. The standard work period is a total of (80) hours within two-week period regardless of the number of hours worked per day.
- B. The alternate work week shall be forty (40) hours to be worked within five (5) consecutive days, subject to the approval of the department head and the City Manager or his/her designee. The alternative standard workday for employees shall be eight (8) hours. The workday for part-time employees shall be established and directed by the Department Head.

SECTION 508

EXCEPTIONS TO STANDARD WORK PERIODS

The City Manager is hereby authorized to designate other work periods and working hours for employees when, in his opinion, the best interest of the City may be served by such adjustment of the standard work periods and hours. The procedure for making adjustments in the standard work periods and hours shall be consistent with the provisions of Section 3504.5 of the Government Code.

SECTION 509

ATTENDANCE

Employees shall be in attendance at their work in accordance with rules and policies regarding hours of work, leaves, and related conditions. Department heads shall be responsible for maintaining employee attendance records which shall be reported to the City Manager or his/her designee in the form and at the times prescribed by the City Manager or his/her designee. Except in extraordinary circumstances, an employee who is unable to report for work at the beginning of his/her established shift shall personally notify his/her immediate supervisor in accordance with departmental regulations. Such regulations may reasonably vary due to operational considerations, but shall require that

notification be provided by the employee prior to or as soon after the beginning of the employee's work shift as possible under the circumstances. Failure to provide this notification may result in the unreported period of absence for the first day being considered as unauthorized leave without pay.

An employee who is absent without notification for more than three (3) consecutive days may be subject to disciplinary action, including discharge, pursuant to Chapter 10 of these Rules and Regulations. In order to insure employee availability for the performance of emergency services, the City Manager or his/her designee may establish reasonable response time for employees to report to work after a call to duty under emergency conditions. This response time may vary by operating unit, but shall not serve to require employees to reside within the City boundaries.

SECTION 510

COFFEE AND REST BREAKS

A morning and an afternoon coffee or rest break is beneficial to employee morale and improves an employee's ability to work at peak efficiencies. The coffee break or rest period is authorized for a fifteen-minute period, which is understood to be the total elapsed time that the employees is away for his/her workstation for this purpose, and shall not be combined with another coffee or rest or lunch break.

Each department head or supervisor shall be responsible for administering the coffee and rest breaks in his/her department or work crew to ensure that an adequate force is maintained at all time to provide services required by the public.

SECTION 511

PAY PERIODS

The pay period of all employees shall be semi-monthly, on the 15th and last day of the month. When the regular payday coincides with a holiday, paychecks will be issued on the workday immediately preceding such holiday. The City Manager or his/her designee shall establish the method of distributing payroll checks. Except for employees being terminated, salaries will be paid on regular paydays only, unless the City Manager or his/her designee approves early payment. Employees leaving the municipal service will normally be paid on the first regular payday following the date of termination provided that written clearance is obtained from the Department Head and the employee has returned all City owned tools, clothing, keys and equipment. Employees leaving municipal service are encouraged to participate in an Exit Interview as provided in section 405.

SECTION 512

COMPUTATION OF SALARY

Salary rates for all authorized City positions are set forth in the Employee Compensation Plan. In the conversion table included in the Plan, hourly rates are based on 2080 hours per year.

SECTION 513

OVERTIME POLICY: DEFINITION

It is the policy of the City that overtime work is to be kept to the minimum consistent with the protection of life, property, and the efficient operation of the Departments and activities of the City and that overtime work is compensated for by time off.

- A. DEFINITION. Overtime for City employees on the standard workweek, is defined as time worked in excess of (80) hours within a two-week period. Overtime for City employees on the alternative work schedule, is defined as time worked in excess of forty (40) hours a week. See Section 507(B) for the definition of standard and alternative work schedules. The overtime provisions in these Rules and Regulations do not apply to department heads, exempt employees, or to officers appointed by the City Council, as defined in Section 102 (B).
- B. COMPENSATION. Overtime will be compensated either by compensatory time off or payment at a rate of one and one-half times the employee's basic hourly salary rate.
- C. APPROVAL. Advance approval of the department head is required for all overtime work, although department heads may adopt standing orders, which will constitute such advance approval according to the needs of the department. All overtime approval policies, including standing orders, are subject to the approval of the City Manager or his/her designee. All employees may earn compensatory time to a maximum of sixty (60) hours. Hours in excess of sixty (60) hours will be paid as overtime.
- D. COURT TIME. Non-exempt, regular employees who are required to appear in court during their off- duty hours in connection with City business shall receive overtime compensation for the number of hours they spend in court, with minimum of two (2) hours of such compensation. Minimum shall not apply when said court appearance is in direct conjunction with regularly scheduled work shift.

SECTION 514

CALL BACK TIME

Employees shall be compensated at one and one-half times their regular rate of pay. Payment will be made for the greater of a two (2) hour minimum or actual time worked. A second two-hour minimum will apply if a second call is received more than two hours after the employee arrives to work following the first call. Overtime for call-back time shall commence at the time an employee reaches the place where he is directed to report and shall continue until he is released or the work is completed, whichever is earlier.

SECTION 515

ON-CALL COMPENSATION

On-call assignments shall be for a seven consecutive day period beginning and ending at 5:00 P.M. on Tuesdays. Adding fourteen (14) hours to accrued compensatory time shall compensate such seven (7) day assignments. Compensation for shorter periods of on-call will be paid at two (2) hours per day. Maximum accumulation of compensatory time, without the written approval of the City Manager, is sixty (60) hours, after which the time earned will be paid as overtime.

SECTION 516

DEDUCTIONS

Deductions from employee's pay shall be made in accordance with prevailing laws, administrative rules and procedures established by the City Manager or his/her designee, and any applicable memorandum of understanding.

SECTION 517

PAID HOLIDAYS

A. Regular Holidays for Pay Purposes. The following holidays are recognized as municipal holidays for pay purposes. Except as provided in Paragraph B, all full-time regular and probationary employees shall have these days off:

1. January 1 – New Year’s Day
2. Martin Luther King Day
3. President’s Day
4. Memorial Day
5. July 4 – Independence Day
6. Labor Day
7. Veteran’s Day
8. Thanksgiving Day
9. Day After Thanksgiving
10. December 24 – Christmas Eve
11. December 25 – Christmas Day
12. December 31 – New Years Eve - ½ Day
- 13-14 Two floating holidays - (Employee “personal” days)

B. When a holiday falls on a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the day named. When a holiday falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day named.

SECTION 518

COMPENSATION FOR WORK ON PAID HOLIDAYS

Regular and probationary employees assigned to work on holidays shall receive compensating time off or overtime as recommended by the Department Head subject to the approval of the City Manager.

SECTION 519

COMPENSATION DURING ATTENDANCE AT TRAINING COURSES DURING VACATION, HOLIDAYS, AND DAYS OFF

City employees should feel free to attend training courses available during their vacation, holidays or days off if they so desire. However, compensation for attendance at training courses held during days off (weekends), vacations, or holidays will be authorized only where employees have been directed by their Department Head to attend such, on the following basis:

- A. HOLIDAYS. Employees directed to attend training courses on a holiday will be compensated as provided in Sec. 517.
- B. VACATIONS. Employees directed to attend training courses held on their vacation days will be allowed to reschedule their vacation days spent in such training courses in lieu of compensation.
- C. DAYS OFF. Employees directed to attend training courses held on their day(s) off will have their work schedule adjusted to reflect day(s) off in compensation.

SECTION 520

TUITION REIMBURSEMENT

Regular City employees may be eligible to receive tuition reimbursement for educational purposes, which tend to improve their ability to accomplish their city jobs, subject to approval of the City Manager or his/her designee. Reimbursement will be limited to actual tuition costs or the tuition per unit currently charged by California State University, Stanislaus, whichever is less. For reimbursement of tuition expenses, employees must maintain at least a "B" average. An official transcript of course (s) completed must be submitted with the request for reimbursement.

SECTION 521

**COMPENSATION FOR USE OF PRIVATE
AUTOMOBILE IN CITY BUSINESS**

City employees using their private vehicles for City business may receive a mileage allowance at the rate established by the Internal Revenue Service. Use of any private vehicle must be approved by the City Manager or his/her designee in advance and is subject to the provision of Administrative Regulation.

SECTION 522

CERTIFICATION-INCENTIVE PAY

The City will compensate employees who obtain special certificates that are required by state or federal agencies to perform specific work. The incentive pay will only apply while the employee is working in the department to which the certificate applies and is capped at 3%.

SECTION 523

PAYROLL TIME SHEET REPORTING

This policy governs the legal basis and the responsibility of the Employee, Supervisor, and Department Head for the accurate completion and review of all time sheets and applies to all City employees.

Time Sheets as Legal Source Documents

It is the policy of the City of Patterson that time sheets are the legal source document for all payroll transactions. Time sheets serve as the legal authority to pay an employee. They also serve as verification of time off, and provide the legal basis to grant an employee benefits, including worker's compensation as appropriate.

Time worked must be reported accurately on the date that such work was performed. Similarly, time off should be reported on the date or dates that such time was taken off from work. If an employee arrives to work after their assigned start time, a Request for Time Off must be submitted, utilizing vacation or compensating time off to make up for the City's lost time.

It is the responsibility of the employee to sign their respective time sheets. In the event that an employee cannot sign the time sheet due to absence, illness, or similar conditions, the employee's supervisor may sign for the employee but shall indicate on the timesheet that they have signed for the employee.

Review, Verification, and Certification of Time Sheets

Time sheets for members of all bargaining as well as Mid-management and confidential employees shall be reviewed by their respective supervisor. Department heads shall countersign each time with an original signature. The Department Head may delegate such duties to mid-management employees.

The signature of the employee's supervisor and department head implies that the respective supervisor and department head or designee at the mid-management level or above has reviewed the timesheet.

Department Head/Director, Mid-Management Time Sheets (Exempt)

Exempt employees shall be required to fill out time sheets accounting for time off exceeding one full day (Exception Reporting).

Custody of Time Sheets

All time sheets shall be kept confidential under the custody of the Director of Finance.

Correction to Time Sheets

Arithmetic or coding errors may be made either by the employee or by the employee's supervisor in the course of filling out time sheets. It is the policy of the City of Patterson that correction of such time sheets shall be made by the Finance Department during the course of payroll processing. Every effort shall be made to communicate such corrections to the employee and the appropriate department.

Fraudulent Time Sheets and Violations of Policy

It is the policy of the City of Patterson that fraudulent time sheets constitute theft of public funds. Perpetrators of such fraudulent time sheets shall be subject to disciplinary action up to and including termination as determined by the City Manager.

Consistent violations of this policy may result in disciplinary action up to and including termination as determined by the City Manager.

SECTION 524

TRAVEL & MEETING POLICIES

Purpose:

This policy assumes a mutual trust between the City of Patterson and its employees and City officials. The City expects to reimburse employees for all reasonable costs they might incur on behalf of the City. Employees are expected to use good judgment in the expenditure of public funds with which they have been entrusted.

These guidelines are not intended to address every issue, exception, or contingency that may arise in the course of City travel. Accordingly, the basic standard that should always prevail is to exercise good judgment in the use and stewardship of the City's resources. Many of these guidelines simply reaffirm values in judgments that we already practice.

Policy Statement

This policy is to assure that City employees and officials adhere to procedures when arranging for travel, lodging, meals and other expenses and that they are paid for reasonable expenses incurred for travel, conferences, meetings, and meals as a result of conducting authorized City business. The policy assures that payments made by the City are for actual and necessary expenses incurred for City business. It also assures that City employees and officials will receive advances/reimbursements in a timely manner.

Employee travel may be authorized for conducting City business of local and non-local travel activities such as professional meetings, conferences and training sessions. Payments for travel and meeting expenses may be in the form of either advances or reimbursement, including appropriate registration fees, food, lodging, transportation costs and reasonable incidental expenses.

Specifically exempted from reimbursement are: attendance at political rallies, events held for the specific purpose of promoting the candidacy of an individual for public office, expenses incurred by members of the employee's families, or other expenditures not involving a public or business purpose, or not necessarily incurred in the performance of a public purpose authorized by law.

Each Department Head shall be held responsible and accountable for the interpretation and administration of this policy within his/her department. Department Heads are authorized to approve expenditures that are consistent with the adopted budget as set out in the budget detail document and will be expected to consult with the Finance Director and/or City Manager on any questions related to this policy. An individual may not authorize or approve reimbursement for his/her own travel; the individual's supervisor must approve claim forms.

The City Manager may authorize the request subject to his/her discretion and subject to City Council approval of the annual budget. Travel and expenses for the City Council, Boards and Commissions shall be subject to appropriation of funds in the annual budget and any supplemental policies adopted by ordinance or resolution.

Definition

For purposes of this policy, employee means all regular full-time employees designated to represent the City of Patterson at an authorized meeting, training session, or conference. This policy also applies to elected officials, board members and commissioners unless otherwise amended or subject to other policies set forth in a resolution or ordinance adopted by the City Council.

For the purposes of this policy statement, the word "travel" is used to denote activities of individuals in connection with authorized attendance at conferences, meetings, seminars and training, including necessary transportation thereto and there from.

Travel Requests and Reimbursement

Employees are entitled to reimbursement for necessary transportation expenses incurred while on official City travel. Employees should schedule employee trip so that employee

leave at a reasonable hour and arrive at employee destination on time. Employees should also return promptly when employee business is finished, thereby minimizing the time away from work and ensuring full reimbursement of all related expenses.

The employee shall collect all receipts for expenses incurred while traveling. A receipt is required for all reimbursable expenditures. Employees shall also be conscientious of what City policy may and not reimburse. When in doubt, contact the City Manager and ask for approval.

Travel Reconciliation Check-Off List- Once employee returns, submit the following:

√ Completed Travel Request and Reconciliation Form
√ All receipts (i.e., conference registration receipt, flight booking receipt, detailed hotel billing statement, itemized meal receipts, taxi fares, etc.)
√ Other supporting documents (i.e. Conference Program)

All travel expenses must be reconciled promptly upon an employee's return. Complete the Travel Request and Reconciliation Form, attach all receipts and other relevant information (i.e. conference program), and forward to the employee's Department Head or City Manager. In the event an employee of the City finds that it is necessary to incur expenses, which are beyond the scope and intent of the budget, a written request explaining the need for the expenditure and a suggested source of funding shall be submitted to the City Manager for approval.

Employees may choose to make a copy for his/her own records. Employee travel expenses will be reviewed for appropriateness and if approved, forwarded to the Finance Department for reconciliation. If employees are to receive reimbursement, the Finance Department will process a check on the next regular accounts payable run. If an employee owes the City, he/she will attach a check with the amount owed, made payable to the City of Patterson, at the time the forms are submitted. The Travel Request Form (reconciliation) shall be submitted no later than ten (10) working days after the trip.

Employees are responsible for preparing and filing employee travel request; travel advances requests, reimbursements and travel expense reports pursuant to City Policy. An employee's request for reimbursement may be rejected if it was inconsistent with City Policy or did not serve a City business purpose. Failure to comply with City policy may result in disciplinary action.

Transportation

Transportation costs include, but are not limited to, airplane, train, bus and taxi fares, bridge tolls, parking and car rental. An employee should generally take the most direct and commonly traveled routes. Other routes may be authorized when official business requires their use. If an employee takes an indirect route or stops along the way for personal reasons, he/she will not be reimbursed for non-business expenses. Selection of carrier, reservations, and ticketing should be arranged as early as feasible to obtain the greatest discount. Also consider the use of alternative transportation methods, such as using a nearby airport and ground transportation if the total fares are lower.

Air travel on City business should be coach class and booked using any common City method of payment. Air travel should not be used into areas that can be reached by car in 2-3 hours. If an employee made booking arrangements and other arrangements would have been less costly to the City, the employee may have to reimburse the City the difference. The employee shall take advantage of lower airfare rates by booking his/her flight as early as possible, and purchasing non-refundable tickets. An employee may sometimes avoid higher airfare by staying over a Saturday night. In some instances, an extra night in a hotel/motel can be much less than the added cost of the airfare.

Council members and Department Heads may consider taking different flights in case an emergency occurs while in flight. A generally accepted rule is to have no more than two members on the same flight, if there is a strong possibility of danger while traveling.

A private vehicle may be used in lieu of air travel if it is more advantageous to the City. Prior approval must be obtained. However, the total documented mileage and all other travel expenses incurred cannot exceed the airfare amount. The City shall only reimburse the employee the lesser of the two means of travel. For employees, the additional time spent driving must also be considered and approved by the Department Head prior to the trip.

When using a private vehicle, appropriate mileage reimbursement shall be processed. All travel claims should be submitted reflecting the starting and ending points at Patterson City Hall, regardless of where the actual travel began/ended (i.e. home, another meeting, etc.). Reimbursement shall be at the rate authorized by the most current City Council Resolution. Realize that any gas, damages, needed service, or repair to employee personal vehicle occurring on the trip will be the employee's responsibility, as these costs are included in the per mile cost reimbursement.

City vehicles may be used if available. If refueling is necessary, the employee may request reimbursement for any gasoline purchases. Employees shall check the vehicle for safety and damages before he/she begins to travel.

Rental vehicles, at City expense, may only be obtained when employees are on City business and other modes of transportation are not available, too costly, or impractical. A rental vehicle requires prior approval of the Department Head and City Manager. Only intermediate size vehicles, or vehicles with an equivalent rental rate, will be authorized. If two or more persons are attending the same meeting or conference, and a vehicle is needed for City business, only one vehicle may be rented at City expense. Car rental insurance should be purchased from the rental agency. As a precaution against paying for preexisting damage, the employee should carefully examine the condition of the rental vehicle before leaving the lot, and immediately report any damages to the car rental office.

Public Transit, Carpooling – Employees are encouraged to make optimum use of available public transit services and carpooling.

Lodging

Reimbursement is allowable for lodging expenses with attendance at out-of-area conferences or meetings. Overnight lodging expenses associated with meeting attendance within a 100-mile radius of Patterson may be authorized if the overnight stay

is justified based on early morning or late hour attendance requirements. The Department Head or City Manager shall preauthorize such overnight stay. The cost of accommodations shall be reimbursed or paid directly by the City.

The City will pay for a single room (including taxes and parking) for as many nights as necessary and approved. The employee accommodations should be economical but practical. For example, it is preferable to stay at the hotel recommended by the conference, even if that hotel may be slightly more expensive than others in the area. If rooms are not available, an alternate hotel in proximity to the location of the conference or meeting should then be selected. The cost of the alternate hotel shall not exceed the cost expended at the hotels recommended by the conference. Check conference/meeting flyers or advertisements for the suggested hotel accommodations or contact the organization providing the seminar for hotel information. When making arrangements for lodging, a request should always be made for a government rate. If such a rate is available, it should be used.

An employee may stay with a friend or relative while attending an out of town meeting or conference; however, the City will not reimburse the employee for any payment to the friend or relative for lodging or meals or transportation.

Meals

The City will reimburse employees for actual meal expenses (including tax and gratuity) up to a maximum, not-to-exceed amount of \$38 per full day, or the maximum federal per diem locality rate, with appropriate receipts. However, if meals are included in registration fees, as stated in meeting or conference literature, or if meals are provided by the event, and the employee chooses to go elsewhere, appropriate deductions must be made from the meal allowance.

What's not Covered

The City will not reimburse employees for personal expenses such as laundry, barbering, valet service, in-room movies, gratuities for porters and other service persons, or personal telephone calls. Alcoholic beverage costs are not reimbursable.

Spouses and guests are allowed to accompany employees on City travel and at conferences, seminars, and meetings when using public or private transportation. Spouses and guests are not allowed to accompany employee in a City vehicle. Any additional costs associated with the participation of employee's spouse or other guests are the employee's responsibility. This includes any increased room rate due to double occupancy. Any and all expenses incurred by family members or guests who accompany the employee are the employee's responsibility and not reimbursable.

If employees are traveling on behalf of another public agency, that agency is expected to handle all expenses, unless otherwise authorized by the City Council. The City is not responsible for any expenses, including advances or reimbursements. The only exception would be if the employee serves on a committee of a public agency that does not provide travel expenses, such as the League of California Cities or professional associations.

Expenditures in Excess of Allowable Expenses

If the employee incurs expenses in excess of the allowable amounts for meals or lodging, and he/she wishes to be reimbursed for such expenses, he/she will need to prepare a memorandum of explanation and attach it to the expense report. Expenses will be reviewed for reasonableness based on price differentials in different cities. All expenses must be clearly substantiated prior to reimbursement. Unnecessary or exorbitant expenses will be disallowed.

COMPENSATION

Plan for Management and Mid-Management shall be in accordance with the adopted Pay for Performance Plan (Attached).

CHAPTER 6: STATEMENT OF POLICY- SICK LEAVE

SECTION 601

STATEMENT OF POLICY

Employees in the municipal service shall be provided paid sick leave as set forth below. These benefits shall not be considered as a right, which an employee may use at his discretion, but shall be allowed only where justified by necessity and actual personal sickness or disability as provided in Section 603, below. Unwarranted use of the benefits provided under this Chapter may subject the employee to disciplinary action pursuant to Chapter 10 of these Regulations.

SECTION 602

ACCRUAL

Regular and probationary employees shall accrue sick leave credits at the rate of one workday per calendar month of service or fraction thereof above 50%. Accrual begins in the first calendar month for any employee employed on or before the 15th of that month, and the second month of service for any employee employed after the 15th of the month.

SECTION 603

SICK LEAVE USAGE

Accrued sick leave may be used in case of a bona fide illness or injury to an employee or employee's dependents, as provided in Section 604 below. Sick leave credits may also be used for medical and dental appointments in accordance with Section 606.

Sick leave may be used as needed and approved to the point of depletion, at which time the employee will no longer receive pay for sick leave.

Any employee scheduled to work on a holiday who reports off sick will be charged sick leave at the appropriate rate authorized and the holiday will be accrued. The employee must notify his/her Department Head within 48 hours after returned to duty.

SECTION 604

NOTIFICATION AND VERIFICATION

A. Advance Notice Requirement. In order for sick leave to be granted, an employee who, because of illness or injury, is unable to work, shall notify his immediate supervisor in accordance with departmental regulations or policies.

B. Verification by Physician. The employee may be required to file a physician's certificate or a personal affidavit with the City Manager his/her designee, stating the cause of absence in case of:

1. Absence for three (3) or more consecutive days.
2. Absence of five (5) or more workdays in a month; or
3. Whenever the Department Head reasonably believes that reasons exist to request such verification.

SECTION 605

BEREAVEMENT LEAVE

In the event of a death in the employee's family, up to three (3) days bereavement may be granted to a regular employee by a Department Head. For the purposes of this section only, the employee's family shall mean the spouse, parent, child, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, or a close relative residing in the household of the employee. Requests for bereavement leave in excess of three (3) days shall be subject to approval of the City Manager or his/her designee, and will be charged to accumulated sick leave. Sick leave may be used as needed and approved, to the point of depletion, at which time the employee will no longer receive pay for sick leave. Sick leave will not be granted for illness during any leave of absence other than sick leave, with one exception: An illness or injury occurring while on vacation leave may be covered by sick leave when such illness or injury causes the employee to be hospitalized. Accumulated sick leave will not be deducted for any injury or illness covered by Worker's compensation for Safety Personnel.

SECTION 606

MEDICAL/DENTAL APPOINTMENTS

Accrued sick leave may, with advance department head approval, be used for medical and dental appointments of the employee or the employee's dependents where it is unfeasible to schedule them on the employee's own time.

SECTION 607

WORKER'S COMPENSATION

Any employee, who is absent from work by reason of an injury or illness covered by Worker's compensation shall continue in "pay status" under the following provisions:

- A. The difference between the amount granted pursuant to such Worker's compensation and the employee's regular rate of pay shall be deducted from the employee's accumulated sick leave, and when authorized by the employee, in writing, vacation days.
- B. Such an employee shall continue in "pay status" and receive his regular rate of pay until his accumulated sick leave, compensatory time, personal holidays, and vacation days have been depleted to the nearest one-half (1/2) day.
- C. During the time an employee is in "pay status" while absent from work by reason of injury or illness covered by Worker's compensation, he shall continue to accrue sick leave and vacation benefits as though he were not on leave of absence. He shall not receive credit for holidays.

D. Any employee who depletes his accumulated sick leave, compensatory time, holidays, and vacation days to maintain "pay status" while absent from work by reason of injury or illness covered by Worker's compensation, shall be removed from pay status.

SECTION 608

ACCUMULATED SICK LEAVE -FORFEITURE UPON TERMINATION

Employees leaving the municipal service shall forfeit all accumulated sick, administrative leave and personal holidays.

SECTION 609

ACCUMULATED SICK LEAVE ON RETIREMENT

Accumulated sick leave may be used for the purpose of computing an employee's PERS retirement. At retirement, unused accumulated sick leave is converted to additional service credit at the rate specified by the prevailing PERS contract. There is no cost to the employee.

CHAPTER 7: VACATION

SECTION 701

ELIGIBILITY

- A. Regular Employees. Regular employees shall be eligible for vacation as provided in Section 702 of these Rules and Regulations.
- B. Part-Time Employees. Part-time employees shall not be eligible for vacation leave.
 - B. Probationary Employees. Probationary employees shall accrue vacation leave during their period of probation in the same manner as regular employees. However, probationary employees shall not be eligible to utilize vacation leave during the first six (6) months of their employment.

SECTION 702

VACATION ACCRUAL

Eligible employees shall accrue annual vacation on a monthly basis as provided below:

<u>Years of Continuous Service</u>	<u>Vacation Days</u>	<u>Monthly accrual in hours</u>
Hire date through 5 years	12	8
6 through 8 years	15	10
9 through 11 years	16	10.66
12 through 14 year	17	11.333
15 through retirement	20	13.333

In order to be eligible for accrual in any given month, an employee must be in paid status for no less than 50% of the assigned workdays in that month.

SECTION 703

USE OF VACATION

- A. Employees shall be required to serve six (6) months of continuous service before any vacation days may be taken.
- B. The department head and the employee shall schedule the times at which vacation leave is to be taken in accordance with Department Rules which shall take into consideration the desires of the employee and the operational needs of the department. The final determination shall remain with the Department Head.
- C. Employees shall not work for the City during their vacation (double compensation.)

SECTION 704

HOLIDAYS FALLING DURING VACATION

In the event a City holiday falls during an employee's vacation leave, that day shall not be charged against the employee's accrued vacation.

SECTION 705

PAYMENT OF ACCRUED VACATION LEAVE UPON TERMINATION

Employees leaving the municipal service with accrued vacation leave shall be paid for all such leave accrued prior to the date of termination at their current rate of pay.

SECTION 706

EFFECT OF EXTENDED MILITARY LEAVE

An employee who interrupts his municipal service because of extended military leave shall be compensated for accrued vacation at the time the leave becomes effective, except as otherwise authorized by the City Manager.

CHAPTER 8: OTHER LEAVES OF ABSENCE

SECTION 801

LEAVE OF ABSENCE WITHOUT PAY

At the discretion of the City Manager or his/her designee, leave of absence without pay or benefits may be granted in cases of emergency or where such absence would not be contrary to the best interests of the City. Such unpaid leave is not a right but a privilege. Leaves of absence without pay shall not exceed one year. Once authorized, an unpaid leave may not be extended without express approval of the City Manager. Any leave of absence without pay lasting more than fourteen (14) calendar days shall preclude an employee from accruing seniority or benefits after day fourteen (14), except as outlined in the Family Leave Policy. During this leave the employee may elect to continue medical and dental insurance coverage at the employee's own expense.

SECTION 802

LEAVE OF ABSENCE; DEATH OUTSIDE THE IMMEDIATE FAMILY

Leave without pay may be granted to a regular employee, in accordance with Section 801, in the event of death to family members other than immediate family, as defined in Section 605.

SECTION 803

MILITARY LEAVE

State and other applicable laws shall govern the granting of military leaves of absence and the rights of employees returning from such absence.

SECTION 804

FAMILY MEDICAL LEAVE

A. The Family Medical Leave Act (FMLA)/California Family Rights Act (CFRA) provide up to twelve (12) weeks of unpaid, job-protected leave to “eligible” employees for certain family and medical reasons. Employees are “eligible” if they have worked for the City for at least one year, or 1,250 hours over the previous twelve (12) months.

Unpaid leave shall be granted for any of the following reasons:

1. To care for the employee’s child after birth, or placement for adoption or foster care;
2. To care for the employee’s spouse, son or daughter, or parent, who has a serious health problem; or
3. For a serious health condition that makes the employee unable to perform the employee’s job.

At the employee’s option, certain kinds of paid leave may be substituted for unpaid leave such as sick leave, vacation leave, or compensatory time off. The eligible employee shall be required to provide advance leave notice and medical certification of the medical need for the leave. The employee may request Family Medical Leave by completing the appropriate City forms. FMLA/CFRA leave may be denied if these requirements are not met.

1. The employee ordinarily must provide 30 days advance notice when the leave is “foreseeable.”
2. The City may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the City’s expense) as well as a fitness for duty report prior to an employee reporting back to work. For the duration of Family Medical Leave, the City shall maintain the employee’s health coverage under any “group health plan.” If the employee fails to return from leave, the City shall recover the employee’s share of the premiums that were paid for maintaining coverage during leave. Upon return from Family Medical Leave, employees shall be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. The use of Family Medical Leave will not result in the loss of any employment benefit accrued prior to the start of the employee’s leave. If any employee chooses to use vacation, sick leave or compensatory time off (paid leave) during Family Medical Leave, he/she will continue to accrue vacation and sick leave and will be paid for any holiday falling within the paid leave period. However, if an employee has exhausted

all paid leave, vacation, sick leave or compensatory time off, sick leave and vacation will not be accrued and holidays will not be paid during this period.

B. PREGNANCY/OTHER DISABILITY LAW

If an employee has worked for the City for less than twelve (12) months or less than 1,250 hours, they may be eligible for State Disability under their previous employer. If possible, an employee shall provide thirty (30) days advance notice when the leave is foreseeable (such as the expected birth of a child or a planned medical treatment for yourself or of a family member). For events, which are unforeseeable, the employee shall notify the City, at least verbally, as soon as the employee learns of the need for the leave. Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until the employee complies with the notice policy. The City may require certification from the employee's health care provider before allowing a leave for pregnancy or other serious health conditions of the employee. The City may require certification from the health care provider of employee, child, parent or spouse who has a serious health condition before allowing an employee leave to take care of that family member. When medically necessary, leave may be taken on an intermittent or reduced work schedule. If an employee takes leave for the birth, adoption or foster care placement of a child, the basic minimum duration of the leave is two weeks to a maximum of one year from the birth or placement for adoption or foster care. Taking a family care or pregnancy disability leave may impact certain of your employee benefits and employer seniority date. During this period an employee will not accrue additional vacation and/or sick leave benefits.

SECTION 805

LEAVE TO VOTE

Time off with pay to vote at any general, direct primary, or presidential primary election shall be granted as provided in the State of California Elections Code. Notice that an employee desires such time off shall be given in accordance with the provisions of the Code.

SECTION 806

LEAVE FOR JURY DUTY

Employees required to report for jury duty shall be granted a leave of absence with pay from their assigned duties until released by the court, provided the employee remits to the City all fees received for such duties, other than mileage or subsistence allowance, within thirty (30) days from the termination of his/her services.

SECTION 807

**LEAVE FOR APPEARANCE REQUIRED BY
SUBPOENA**

Regular employees subpoenaed to appear as a witness in behalf of the State of California or any of its agencies may be granted a leave of absence with pay from their assigned duties until released. The employee shall remit all fees received for such appearances other than mileage or subsistence allowance, to the City within thirty (30) days from the termination of his services.

SECTION 808

**LEAVE FOR ATTENDANCE AT INDUSTRIAL
ACCIDENT COMMISSION HEARINGS OR RELATED
PHYSICAL EXAMINATIONS**

Employees who have been injured in the course and scope of their employment with the City and who are required, as a result of such injury, to be absent from duty to take physical examinations required by the City's Worker's compensation Insurer or the Industrial Accident Commission, or to attend hearing of the Industrial Accident Commission, may be granted leave with pay for such absences by the City Manager or his/her designee. The employee shall file the appropriate form (s) with the City Manager or his/her designee and he/she shall determine if such absences are in the best interest of the City, and only if the employee is in paid status at the time of the scheduled examination or hearing.

CHAPTER 9: PROBATIONARY STATUS

SECTION 901

OBJECTIVE OF PROBATIONARY PERIOD

The probationary period shall be regarded as a part of the testing process and shall be utilized for closely observing an employee's work, for securing the most effective adjustment of a new employee to his/her position and for rejecting any probationary employee whose performance does not meet the acceptable standards of work.

SECTION 902

PROBATIONARY PERIOD

A. All original appointments to regular municipal service positions shall be tentative and subject to a probationary period fixed by the Department Head at the time of appointment of not less than twelve (12) months nor more than eighteen (18) months. The probationary period may be extended with the approval of the City Manager or his/her designee for a period not to exceed six (6) months where the Department Head finds that extraordinary conditions justify such extensions. Failure to notify an employee in writing prior to the end of the probationary period regarding the employee's permanent status or rejection/extension of probation will automatically result in the granting of permanent status.

B. A promotional appointment probationary period shall be for six (6) months, and may be extended by the Department Head for not more than three (3) months with approval of the City Manager or his/her designee. Failure to notify the employee in writing within six (6) months of appointment of rejection/extension of probation will automatically result in the employee receiving permanent status in the new position.

SECTION 903

**PROBATIONARY EMPLOYEE PERFORMANCE
REPORTS**

A performance report of each probationary employee shall be made by the Department Head and forwarded to the Personnel Office every three months. In those cases where the probationary period is extended beyond the normal time, an Employee Performance Report shall be made monthly until the end of the probation extension.

SECTION 904

REJECTION FROM ORIGINAL PROBATION

During the probationary period, an employee may be suspended, demoted or terminated at any time subject to the approval of the City Manager, without cause and without the right of appeal or to submit a grievance.

SECTION 905

REJECTION FROM PROMOTIONAL PROBATION

A. During the probationary period following promotional appointment, an employee may be rejected from probation and returned to the employee's prior position, at any time, for failure to meet probationary standards of the promotion.

B. An employee who elects a voluntary demotion after the six (6) month probationary period for a promotional appointment may be reinstated to the position from which he was promoted or to a comparable position subject, however, to a vacancy available at that time.

SECTION 906

DISCIPLINARY PROBATION

Disciplinary probation is not subject to provisions in Sections 901-905 above. Disciplinary probation is imposed pursuant to the provisions of Chapter 10, below. An employee subject to disciplinary probation shall be subject to discharge for failure to satisfy conditions of probation, for failure to demonstrate improvement in his/her evaluation, or for cause as provided in Chapter 10.

CHAPTER 10: DISCIPLINARY PROCEEDINGS

SECTION 1001

DISCIPLINARY ACTION; DEFINITION

- A. As used in this Chapter, "Disciplinary action" shall mean reprimand (written or oral), suspension, demotion, reduction in salary, disciplinary probation, or discharge from employment.
- B. The procedures set forth in this Chapter shall not apply to probationary employees who are rejected from probation pursuant to Chapter 9 of these Rules, or to any employee employed on a temporary basis, or to any employee exempted from the provisions of this Chapter pursuant to Section 102 (B) or (C).
- C. The procedures set forth in this Chapter shall not apply to a reduction in force, or a reduction in pay, which is part of a general reclassification plan.
- D. The procedure set forth in this Chapter shall not preclude an employee from entering into a written agreement with the City to settle a pending disciplinary matter, and further shall not preclude an employee from waiving any of the notice provisions here-in-above provided for, as part of that written settlement agreement.

SECTION 1002

CAUSES FOR DISCIPLINARY ACTION

Causes for disciplinary action against any employee may include, but shall not be limited to, the following:

- A. Fraud or dishonesty in securing the appointment.
- B. Incompetence, unsatisfactory performance, or inexcusable neglect of duty.
- C. Insubordination or willful disobedience.
- D. Dishonesty.
- E. Consumption of or being under the influence of alcoholic beverages or narcotics while on duty.
- F. Intemperance.
- G. Unlawful use, sale or possession of narcotics, or habit-forming drugs.
- H. Inexcusable absence without leave.
- I. Conviction of a felony or conviction of a misdemeanor involving moral turpitude.
- J. Immorality.
- K. Discourteous treatment of the public or other City staff.
- L. Improper political activity as defined by State Law.
- M. Violation of safety procedures.
- N. Misuse of City property or funds.
- O. Violation of any of the Merit System Rules and Regulations, Departmental Rules and Regulations, Collective Bargaining Agreement, City's Code of Ethics, or State or Federal Law. Other failure of good behavior either during or outside of duty hours, which of such a nature, that causes discredit to the City.
- P. Refusal to take or subscribe to any oath or affirmation which is required by law in connection with employment.
- Q. Failure to maintain required licenses or certifications.

SECTION 1003

**PERSONS BY WHOM DISCIPLINARY ACTION MAY
BE TAKEN: NOTICE; SERVICE; CONTENTS**

The City Manager, his/her designee, or any Department Head may take disciplinary action against an employee under his control for one or more causes for discipline specified in this Chapter by written notice to the employee of the proposed disciplinary action and the cause for which the proposed disciplinary action is to be taken.

When a permanent employee is to be suspended, demoted or dismissed, a written notice of the proposed action shall be prepared by the immediate supervisor, reviewed by the City Manager or his/her designee, then delivered to the employee in person or by certified mail. The written notice shall include:

- 1. The reasons for the proposed action.
- 2. The charges being considered.
- 3. The proposed disciplinary action to be taken.
- 4. A statement advising that before the proposed disciplinary action takes effect the employee may request, in writing, to meet with the department head to respond to the proposed disciplinary action. The employee shall have five (5) working days from the date the proposed disciplinary action is received to request this meeting. All charges filed against a permanent employee shall be documented in clear and concise language. The employee shall be given an opportunity to review the documents or materials upon which the proposed disciplinary action is based, and

if practicable, the employee shall be supplied a copy of the documents. The employee is entitled to union representation at any meeting concerned with potential disciplinary action when the employee's presence is required at said meeting.

SECTION 1004

RIGHT OF APPEAL; FORM

- A. Any regular employee who has been discharged, demoted, reduced in salary, placed on disciplinary probation or suspended for more than five (5) working days shall have the right of appeal to the City Manager or to an impartial arbitrator who shall provide an advisory opinion to the City Manager. Advisory arbitration is an option only if the intended discipline is a suspension of greater than ten (10) working days, a demotion or a termination.
- B. Such appeal must be filed with the City Manager within ten (10) working days after receipt of written notice of such disciplinary action. Failure to file an appeal within such period constitutes a waiver of the right of appeal.
- C. The appeal must be in writing, must specify whether the appeal is to be heard by the City Manager or an arbitrator, and must state specifically the reasons upon which it is based.

Neither the provisions of this section nor of this Chapter shall apply to reductions in force or reductions in pay, which are part of a general plan to reduce or adjust salaries and wages.

SECTION 1005

HEARING

- A. Within twenty (20) working days from receipt of the appeal, The City Manager shall schedule a hearing. Reasonable attempts shall be made to commence the hearing as soon as can be expeditiously arranged. The City Manager may continue the hearing either for the convenience of the City or upon written request of the appellant, for a period not to exceed an additional fifteen (15) working days from the receipt of the appeal. Written notice of the time and place of the hearing, and any continuance thereof, shall be given to the appellant. Such hearings shall be conducted in accordance with the provisions of Sec. 11513 of the Government Code of the State of California, except that the appellant and other persons may be examined as provided in Sec. 19580 of said Government Code and the parties may submit all proper and competent evidence against or in support of the causes.

SECTION 1006

REPRESENTATION

Any City Employee, other than those appointed to supervisory, management and confidential classifications as provided in Section 1208 herein, shall be permitted to represent another City employee or group of City employees at the hearing of the appeal. The appellant may appear in person or be represented by counsel.

SECTION 1007

NOTICES TO WITNESSES; COST

The City Manager shall issue notices for the appearances of witnesses for the appellant upon his written request and at his cost. The City Manager may require such cost to be prepaid.

SECTION 1008

FAILURE OF EMPLOYEES TO APPEAR AT HEARINGS

Failure of the appellant to appear at the hearing shall be deemed a withdrawal of his appeal and the action of the City Manager, his/her designee, or Department Head shall be final.

SECTION 1009

DECISIONS

The City Manager shall render a written decision within fifteen (15) working days after concluding the hearing. The City Manager's decision shall be final and conclusive. A copy of such decision shall be forwarded to the appellant. If the disciplinary action taken against the employee is reversed or modified by the City Manager, the employee may be compensated, in whole or in part, for the time lost as determined by the City Manager.

SECTION 1010

EFFECT OF CERTAIN DISCIPLINARY ACTIONS

- A. **VERBAL REPRIMAND.** Employees receiving a verbal reprimand may have it noted in their departmental record by the Department Head.
- B. **WRITTEN REPRIMAND.** Employees receiving a written reprimand shall have a copy of the reprimand filed in their permanent record for future reference. Each employee's permanent record is his personnel jacket kept in the office of the City Manager or his/her designee. Written reprimands will be purged from the record according to State Statute if no further reprimand or action is necessary.
- C. **SUSPENSION.** Employees suspended from the municipal service shall forfeit all rights, privileges and salary while on such suspension.
- D. **DISCHARGE.** Employees terminated pursuant to Section 404 of these Rules and Regulations shall be paid salary accumulated prior to the effective date of termination only, and shall be paid for accumulated vacation, accumulated compensatory time and paid days in lieu of holidays.

SECTION 1011

RELEASING OF INFORMATION

In the interest of preventing undue embarrassment and subsequent loss of ability to perform City work effectively, no information relevant to any disciplinary action against any municipal employee will be released without prior approval of the City Manager or his/her designee.

CHAPTER 11: GRIEVANCE PROCEDURES

SECTION 1101

PURPOSE AND SCOPE

A. The purpose of this grievance procedure is to promote communication and improved employer-employee relations by establishing a procedure for further consideration of matters for which no other hearing procedure is provided by this rules, by other City or departmental regulations, or by State or Federal Law. These procedures are not applicable to actions taken pursuant to Chapters 9, 10 or 12 of these Rules.

B. It is the objective of these procedures to encourage settlement of disputes as near as possible to the point of origin, and as informally as possible.

SECTION 1102

DEFINITIONS

As used in this Chapter, the following definitions shall apply:

- A. A “grievance” is a formal written allegation by an employee who has been adversely affected by an alleged violation of the specific provisions of the City’s Merit System Rules and Regulations, the Administrative Regulations, any Memorandum of Understanding, or Departmental Rules or General Orders.
- B. A “grievant” is any employee adversely affected by an alleged violation of the specific provisions of the City’s Merit System Rules and Regulations, the Administrative Regulations, any Memorandum of Understanding, or Departmental Rules or General Orders, or is any Employee Organization if grieving its rights under any of the above.
- C. A “day” is any day in which the City Offices are open for business.
- D. The “immediate supervisor” is the lowest level supervisor or manager who has been designated to adjust grievances and who has immediate jurisdiction over the grievant. In case of an employee organization, the “immediate supervisor” is the Department Head.

SECTION 1103

GENERAL PROVISIONS

- A. All documents dealing with the processing of a grievance shall be filed separately from the personnel files of the participants.
- B. Failure of the grievant to adhere to the time deadlines shall mean that the grievant is satisfied with the previous decision and waives the right to further appeal. Failure of the City to adhere to the time deadlines at any level shall mean that the grievance is automatically denied and the grievant may appeal to the next level, if any.
- C. The grievant and the City may extend any time deadline by mutual agreement. Absence of either party constitutes a basis for extension of time lines and the City may provide extensions under these circumstances.
- D. Every effort will be made to schedule meetings for the processing of grievances at times, which will not interfere with the regular workday of the participants. If any grievance meeting or hearing must be scheduled during the work day, any employee required by either party to participate as a witness or grievant in such meeting or hearing shall be released from regular duties without loss of pay for a reasonable amount of time.

- E. An individual or organization of that party's choice may represent either party to the grievance at any step of the grievance procedure.
- F. Any employee may at any time present grievances to the City and have such grievances adjusted without the intervention of an Employee Organization, as long as the adjustment is not inconsistent with the terms of this or any Memorandum of Understanding covering such employee, and provided that the City shall not agree to a resolution of the grievance until the employee's bargaining representative has received a copy of the grievance and has been given the opportunity to file a response.
- G. Until final disposition of a grievance, the grievant shall comply with the directions of his/her immediate supervisor.
- H. No party to a grievance shall take any reprisals against the other party to the grievance because the party participated in an orderly manner in the grievance procedure.
- I. The City may join grievances of a similar or like nature as a single grievance. The final decision in such cases shall be binding upon all parties to the consolidated grievance.

SECTION 1104

PROCEDURE

Grievances will be processed in accordance with the following procedures:

A. Level I – Informal Resolution

Any employee or employee organization who believes he/she has a grievance shall present the grievance orally to the immediate supervisor within ten (10) working days after the grievant knew, or reasonably should have known, of the circumstances which form the basis for the grievance. The immediate supervisor shall meet with the employee, attempt to resolve the matter, and inform the employee verbally of his/her decision within five (5) working days.

Level II – Formal Written Grievance

1. If the grievance is not settled within five (5) working days of initial informal presentation, and the grievant wishes to pursue the matter, the grievant shall present the grievance in writing to the immediate supervisor's supervisor, if any within the department's organization. If there is no immediate supervisor's supervisor, the grievant shall present the grievance in writing to the Department Head within the specified five (5) working day time frame. The written information shall include:
 - a. A description of the specific grounds of the grievance, including names, dates and places necessary for a complete understanding of the grievance;
 - b. A listing of the specific rule, regulation or provision which is alleged to have been violated;
 - c. A listing of the reasons why the immediate supervisor's proposed resolution of the problem is unacceptable; and
 - d. A listing of specific actions requested of the City, which will remedy the grievance.
2. The department head shall meet with the employee and his/her designated representative, if any, within ten (10) working days after receipt of the grievance. The department head shall review the grievance submitted and communicate the decision to the grievant in writing within five (5) working days after the meeting. If the

department head does not respond within the time limits the grievance shall be deemed denied and the grievant may appeal to the next level.

B. Level III – Appeal to City Manager

1. If the grievant is not satisfied with the decision at Level II, the grievant may appeal the decision to the City Manager. The appeal must be in writing and submitted within ten (10) working days after receipt of the decision at Level II. At the option of the employee, the grievance may be submitted directly to the City Manager or to an impartial arbitrator who shall render an advisory opinion to the City Manager. The employee's written appeal shall specify which option is to be utilized.

a. Appeal to City Manager

The City Manager will meet with the employee and his/her designated representative, if any, and other appropriate persons within ten (10) working days to assess the grievance. The City Manager shall deliver a written decision to the employee within five (5) working days after the aforementioned meeting. This decision shall be final and binding on all parties.

b. Appeal to Impartial Arbitrator for Advisory Opinion

If an employee elects to use an impartial arbitrator, the employee and his/her designated representative, if any, and the City shall select the arbitrator jointly. The arbitrator shall hold a hearing on the merits of the grievance and shall consider evidence from all parties concerned. The arbitrator shall submit a written advisory opinion to the City Manager.

Upon receipt of the advisory opinion, the City Manager shall proceed as stated in "Appeal to City Manager" above, for a final and binding decision. The cost of the arbitrator shall be borne equally by the employee and the City.

CHAPTER 12: EMPLOYER – EMPLOYEE RELATIONS

SECTION 1201

STATEMENT OF PURPOSE

This Chapter implements Chapter 10, Division 4, title 1 of the Government Code of the State of California (Sections 3500 et seq.) captioned "Local Public Employee Organizations," by providing orderly procedures for the administration of employer-employee relations between the City and its employee organizations. It is the purpose of this Chapter to promote full communication between the City and its employees by providing procedures for meeting and conferring in good faith with recognized employee organizations regarding wages, hours, and other terms and conditions of employment, and to promote the improvement of personnel management and employer-employee relations by providing a uniform basis for recognizing the right of public employees to join organizations of their own choice and be represented by such organizations in their employment with the City. However, nothing contained herein shall be deemed to supersede the provisions of federal, state or local law, ordinances, resolutions or rules which establish and regulate the merit and civil service system, or which provide for other methods of administering employer-employee relations. This Chapter is intended, instead, to strengthen merit, civil service and other methods of administering employer-employee relations through the establishment of uniform and orderly methods of communications between employees, employee organizations, and the City.

SECTION 1202

DEFINITIONS

1. APPROPRIATE UNIT means a unit of employee classes or positions which is currently recognized by the City or which is established for representation purposes pursuant to Section 1207 B of this Chapter.
2. CITY COUNCIL shall mean the City Council of the City of Patterson, and, where appropriate herein, refers to the City Council or any duly authorized City representative as herein defined.
3. CITY MANAGER shall mean the City Manager for the City of Patterson.
4. CONFIDENTIAL EMPLOYEE means an employee who, in the course of his/her duties, has access to information, or is privy to decisions of City management relating to the City's administration of employer-employee relations.
5. CONFERENCE REPRESENTATIVE shall mean the City Manager and his representatives and/or the duly authorized representatives of an employee organization that has been granted formal recognition by the City Council as representing the employees of a representational unit.
6. CONSULT OR CONSULTATION IN GOOD FAITH shall mean to communicate verbally or in writing for the purpose of presenting and obtaining views or advising of intended actions; and as distinguished from meeting and conferring in good faith regarding matters within the required scope of such meet and confer process, does not involve an exchange of proposals and counter-proposals in an endeavor to reach agreement, nor is it subject to Part D of this Chapter.
7. DAY means a calendar day unless expressly stated otherwise.
8. EMPLOYEE means any person employed by the City on a permanent or probationary basis, excluding persons elected by popular vote or appointed by the City Council.
9. EMPLOYEE ORGANIZATION shall mean any organization which includes employees of the City of Patterson and which has as one of its primary purposes representing such employees in their employment relations with the City of Patterson.
 - a. "Recognized Employee Organization" means any organization, which has been acknowledged by the City as an employee organization that represents employees of the City.
 - b. "Exclusively Recognized Employee Organization" means an employee organization which has been formally acknowledged by the City as the sole employee organization representing the employees in an appropriate representation unit pursuant to Section 1212, Part B of this Chapter, and which has thereby assumed the corresponding duty of fairly representing such employees.
10. IMPASSE means the inability of the City and a recognized employee organization to reach agreement after negotiations and exchange of proposals, on the terms of a memorandum of understanding or other items pertaining to the meet and confer process.

11. MEDIATION shall mean effort by an impartial third party to assist in reconciling a dispute regarding wages, hours and other terms and conditions of employment between representatives of the City of Patterson and the Recognized Employee Organization or recognized employee organizations, through interpretation, suggestions, and advice.

12. MEET AND CONFER IN GOOD FAITH shall mean that the City of Patterson by and through its City Manager and his representatives, and representatives of recognized employee organizations, shall have the mutual obligation personally to meet and confer in order to freely exchange information, opinions, and proposals, and to reach agreement on matters within the scope of representation.

13. MISCELLANEOUS EMPLOYEES shall mean all regular City employees who are referred to as "miscellaneous members" by the California Public Employee's Retirement System. (Sec 20018 Government Code).

14. REPRESENTATIONAL UNIT shall mean a unit as established by Section 1203, paragraph (B) of this Chapter.

15. SUPERVISOR EMPLOYEE means any employee, regardless of job description, having authority, in the interest of the City, to recommend, hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to and direct other employees, or to adjust their grievances, or effectively recommend such action, if, in connection with the foregoing functions, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

SECTION 1203

EMPLOYEE RIGHTS

Subject to the requirements of the Meyers-Milias-Brown Act, Government Code Sections 3500, et seq., as interpreted by the Courts, City employees shall:

1. Have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations, including, but not limited to, wages, hours and other terms and conditions of employment;
2. Have the right to refuse to join or participate in the activities of employee organizations.
3. Have the right to represent themselves individually in their employment relations with the City; and
4. Have the right to be free from intimidation, restraint, coercion, interference, discrimination or reprisal because of their exercise of any of the rights herein enumerated or granted by law.

SECTION 1204

CITY RIGHTS

Subject to the requirements of the Meyers-Milias-Brown Act, Government Code Sections 3500, et seq., as interpreted by the Courts, the City retains its rights:

1. To determine the mission of each of its constituent departments, divisions, commissions, boards and agencies;
2. To set standards of services offered to the public;
3. To establish levels of staffing required to deliver services to the public;

4. To determine the procedures and standards of selection for employment and promotion;
5. To direct its employees, to take disciplinary action for proper cause and to determine the content of job classifications, and to relieve its employees from duty because of lack of work or for other legitimate reasons;
6. To maintain the efficiency of governmental operations, determine the methods, means and personnel by which City operations are to be conducted, or City services provided; and
7. To take all necessary actions to carry out its mission in emergencies and to exercise complete control and discretion over its organization and the technology of performing its work.

SECTION 1205

SCOPE OF REPRESENTATION

- A. The scope of representation shall include all matters relating to employment conditions and employer-employee relations, including, but not limited to, wages, hours, and other terms and conditions of employment, except, however, that the scope of representation shall not include consideration of the merits, necessity, or organization of any service or activity provided by law or executive order.
- B. Notwithstanding any provision of this Chapter to the contrary, the City shall not be required to meet and confer on any subject preempted by federal, state or local law.

SECTION 1206

ADVANCE NOTICE

- A. Except in cases of emergency, reasonable advance written notice shall be given to each recognized employee organization whose members may be affected by any ordinance, rule, resolution, or regulation directly relating to matters within the scope of representation proposed to be adopted by the City Council or by any department of the City, and each shall be given the opportunity to meet with such body prior to adopting.
- B. In cases of emergency, when the City Council or the City Manager determines that an ordinance, rule, resolution, or regulation must be adopted immediately without prior notice of meeting with a recognized employee organization, the City shall provide such notice and opportunity to meet at the earliest practicable time following the adoption of such ordinance, rule, resolution, or regulation.

SECTION 1207

**FILING OF RECOGNITION PETITION BY
EMPLOYEE ORGANIZATION**

- A. An employee organization that seeks to be formally acknowledged as a Recognized Employee Organization representing the employees in an appropriate unit shall file a petition with the City Clerk. Such petition shall contain or be accompanied by the following information and documentation:
 1. Name and address of the employee organization.
 2. Names and titles of its officers.
 3. Names of employee organization representatives who are authorized to speak on behalf of the organization.

4. A statement that the employee organization has, as one of its primary purposes, the aim of representing employees in their employment relations with the City.
 5. A statement whether the employee organization is a chapter of, or affiliated directly or indirectly in any manner, with a local, regional, state, national or international organization, and, if so, the name and address of each such other organization.
 6. Certified copies of the employee organization's constitution and by-laws, or, if none exist, of any writing adopted by the organization setting forth its internal rules, regulations, or procedures.
 7. A designation of those persons, not exceeding two in number, and their addresses, to whom notice sent by regular United States mail will be deemed sufficient notice on the employee organization for any purpose.
 8. A statement that the employee organization has no restriction on membership based on race, color, creed, sex, national origin, sexual orientation, or physical or mental disability.
 9. The job classifications or titles of employees in the unit claimed to be appropriate and the approximate number of member employees therein.
 10. A statement that the employee organization has, in its possession, proof of employee support, as defined in Section 1202, to establish that a majority of the employees in the unit claimed to be appropriate have designated the employee organization to represent them in their employment relations with the City. Such written proof shall be submitted for confirmation to the City Manager or to a mutually agreed upon disinterested third party for verification.
 11. A request that the City formally acknowledge the petitioner as a Recognized Employee Organization representing the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith.
- B. The petition, including the proof of employee support and all accompanying documentation, shall be declared to be true, correct and complete, under penalty of perjury, by the duly authorized officer(s) of the employee organization by whom it is executed.

SECTION 1208

CITY RESPONSE TO RECOGNITION PETITION

- A. Upon receipt of the petition, the City Manager shall determine whether:
1. There has been compliance with the requirements of the Recognition Petition, and
 2. The proposed representation unit is an appropriate unit in accordance with Section 1212.
- B. If an affirmative determination is made by the City Manager on the foregoing two matters, he/she shall so inform the petitioning employee organization, shall give

written notice of such request for recognition to the employees in the unit and shall take no action on said request for thirty (30) days thereafter. If either of the foregoing matters is not affirmatively determined, the City Manager shall so notify the Petitioner and shall offer to consult thereon. If such determination thereafter remains unchanged, the City Manager shall inform the organization of the reasons therefore in writing. The petitioning employee organization may appeal such determination in accordance with Section 1216 of this Chapter.

SECTION 1209

**OPEN PERIOD FOR FILING INTERVENING
PETITION**

Within thirty (30) days of the date written notice is given to affected employees that a valid recognition petition for an appropriate unit has been filed, any other employee organization may file a competing request to be formally acknowledged as the exclusively recognized employee organization of the employees in the same or in an overlapping unit (one which corresponds with respect to some but not all the classifications or positions set forth in the recognition petition being challenged) by filing a petition evidencing proof of employee support in the unit claimed to be appropriate of at least thirty (30) percent and otherwise in the same form and manner as set forth in Section 1208. If such intervening petition seeks establishment of an overlapping unit, the City Manager shall call for a hearing on such overlapping petitions for the purpose of ascertaining the more appropriate unit, at which time the petitioning employee organizations shall be heard. Thereafter, the City Manager shall determine the appropriate unit, or units, in accordance with the standards set out in Section 1212. The petitioning organizations shall have fifteen (15) days from the date notice of such unit determination is communicated to them by the City Manager to amend their petitions to conform to such determination or to appeal such determination pursuant to Section 1216.

SECTION 1210

ELECTION PROCEDURE

- a. The City Manager shall arrange for a secret ballot election to be conducted by the City Manager or a mutually agreed upon third party. All employee organizations that have duly submitted petitions, which have been determined to be in conformance with this Part, shall be included on the ballot. The ballot shall also reserve to employees the choice of selecting employee organizations to represent them in their employment relations with the City. Employees entitled to vote in such election shall be those persons employed in regular permanent positions within the designated appropriate unit who were employed during the pay period which ended at least fifteen (15) days before the date the election commences, including those who did not work during such period because of illness, vacation or other authorized leaves of absence, and who are employed by the City in the same unit on the date of the election.
- b. An employee organization shall be formally acknowledged as the Exclusively Recognized Employee Organization for the designated appropriate unit following an election or run-off election if it received a numerical majority of all valid votes cast in the election. In an election involving three or more choices, where none of the choices receives a majority of the valid votes cast, a run-off election shall be conducted between the two choices receiving the largest number of valid votes cast.

The rules governing an initial election shall be applicable to a run-off election.

- c. There shall be no more than one valid election under this Part pursuant to any petition affecting the same unit in a 12-month period.
- d. In the event that the parties are unable to agree on a third party to conduct an election, the State Mediation and Conciliation Service shall conduct the election.
- e. Costs of conducting elections shall be borne in equal shares by the City and by each employee organization appearing on the ballot.
- f. Any petitioning employee organization may withdraw its petition upon five (5) days prior written notice. In the event that any other employee organization has qualified for the ballot pursuant to Section 1210, that organization shall have the option to proceed with the election as if it were the petitioner. Withdrawal of a petition under this provision shall result in a six (6) month bar against the filing of a new petition by the withdrawing employee organization.

SECTION 1211 **PROCEDURE FOR DECERTIFICATION OF EXCLUSIVELY RECOGNIZED EMPLOYEE ORGANIZATION**

- A. A Decertification Petition alleging that the incumbent Exclusively Recognized Employee Organization no longer represents a majority of the employees in an established appropriate unit may be filed with the City Manager only after the completion of one full year of recognition, or during the thirty (30) day period commencing ninety (90) days prior to the termination date of a Memorandum of Understanding (MOU) then in effect, providing that such MOU has a term of no more than three (3) years, including any extension thereof, whichever occurs later. Such petition shall contain or be accompanied by the following information and documentation:
 1. The name, address and telephone number of the petitioner and a designated representative authorized to receive notices or requests for further information.
 2. The name of the established appropriate unit and of the incumbent Exclusively Recognized Employee Organization sought to be decertified as the representative of that unit.
 3. An allegation that the incumbent Exclusively Recognized Employee Organization no longer represents a majority of the employees in the appropriate unit, and any other relevant and material facts thereto.
 4. Proof of employee support that at least thirty (30) percent of the employees in the established appropriate unit no longer desire to be represented by the incumbent Exclusively Recognized Employee Organization. Such proof shall be submitted for confirmation to the City Manager or a mutually agreed upon third party within the time limits specified in the first paragraph of this section.

- B. An employee organization may, in satisfaction of the Decertification Petition requirements hereunder, file a petition under this section in the form of a Recognition Petition that evidences proof of employee support of at least thirty (30) percent and otherwise conforms to the requirements of Section 1208.
- C. The City Manager shall initially determine whether the petition has been filed in compliance with the applicable provisions of this Chapter. If his determination is in the negative, he/she shall so inform the Petitioner, and shall offer to consult thereon. If such determination thereafter remains unchanged, the City Manager shall return such petition to the employees or employee organization with a statement of the reasons therefore in writing. The petitioning employees or employee organization may appeal such determination in accordance with Section 1216. If the determination of the City Manager is in the affirmative, or if his negative determination is reversed on appeal, he/she shall give written notice of such Decertification or Recognition Petition to the incumbent Exclusively Recognized Employee Organization and to unit employees.

The City Manager will notify the affected exclusive bargaining representative of any formal petition filed by an established employee organization, as defined in Government Code Section 3501 (a).

- D. In the event that the Decertification Petition complies with the request set forth herein, the City Manager shall thereupon arrange for a secret ballot election to be held on or about fifteen (15) days after such notice to determine the wishes of unit employees as to the question of decertification and, if a Recognition Petition was duly filed hereunder, the question of representation. Such election shall be conducted in conformance with Section 1210.
- E. During the "open period" specified in the first paragraph of this Section, the City Manager may on his/her own motion, when he/she has reason to believe that a majority of unit employees no longer wish to be represented by the incumbent exclusively recognized employee organization, give notice to that organization and all unit employees that he/she will arrange for an election to determine that issue. The notice to the exclusively recognized employee organization shall contain a statement of the facts upon which the City Manager bases his/her belief that the organization no longer enjoys majority status. In such event any other employee organization may within fifteen (15) days of such notice file a Recognition, Decertification or Severance Petition in accordance with this Chapter. The City Manager shall act upon the petition as provided here in above.
- F. If, pursuant to this Section, a different employee organization is formally acknowledged as the Exclusively Recognized Employee Organization, such organization shall be bound by all the terms and conditions of any Memorandum of Understanding, then in effect, for its remaining term, provided that such MOU contains a term of no more than three (3) years.

SECTION 1212

**POLICY AND STANDARDS FOR DETERMINATION
OF APPROPRIATE UNITS**

- A. The policy objectives in determining the appropriateness of units shall be the effect of a proposed unit on (1) the efficient operations of the City and its compatibility with the primary responsibility of the City and its employees to effectively and economically serve the public, and (2) providing employees with effective representation based on recognized community of interest considerations. These policy objectives require that the appropriate unit shall be the broadest feasible grouping of positions that share an identifiable community of interest.
- B. Factors to be considered when determining the appropriateness of any other proposed unit shall be;
1. Similarity of the general kinds of work performed, types of qualifications required, and the general working conditions;
 2. History of representation in the City and similar employment, except, however, that no unit shall be deemed to be an appropriate unit solely on the basis of the extent to which employees in the proposed unit have organized;
 3. Consistency with the organizational patterns of the City;
 4. Number of employees and classifications, and the effect on the administrations of employer-employee relations created by the fragmentation of classifications and proliferation of units;
 5. Effect on the classification structure and impact on the stability of the employer-employee relations of dividing a single or related classification among two or more units;
 6. Merit System Status; and
 7. Supervisory Responsibilities.
- C. The City Manager shall, after notice to, and consultation with, affected employee organizations, allocate new classifications or positions, delete eliminated classifications or position, and retain, reallocate, or delete modified classifications or positions from units in accordance with the provisions of this section.
- D. Notwithstanding the foregoing provisions of this section, managerial and confidential responsibilities, as defined in Section 1202 of this Chapter, are determining factors in establishing appropriate units hereunder, and therefore such managerial and confidential employees may only be included in units that do not include non-managerial and non-confidential employees. Managerial, supervisory and confidential employees may not represent any employee organization, which represents other non-managerial, non-supervisory or non-confidential employees.

SECTION 1213

**PROCEDURE FOR MODIFICATION OF
ESTABLISHED APPROPRIATE UNITS**

- A. Requests by employee organizations for modification of established appropriate units may be considered by the City Manager only during the period specified in Section 1211 of this Chapter. Such requests shall be submitted in the form of a Recognitions Petition, and, in addition to the requirements set forth in Section

1208, shall contain a complete statement of all relevant facts and citations in support of the proposed modified unit in terms of the policies and standards set forth in Section 1212 hereof. The City Manager shall process such petitions as other Recognition Petitions under this Chapter.

- B. At any time, the City Manager may on his/her own motion propose that an established unit be modified. The City Manager shall give written notice of the proposed modification(s) to any affected employee organization and shall hold a meeting concerning the proposed modification(s), at which time all affected employee organizations shall be heard. Thereafter the City Manager shall determine the composition of the appropriate unit, or units, in accordance with Section 1212, and shall give written notice of such determination to the affected employee organizations. The City Manager's determination may be appealed as provided in Section 1216.

SECTION 1214

**NEWLY ESTABLISHED JOB CLASSIFICATIONS
REPRESENTATION UNITS**

Each newly established job classification shall be assigned to an appropriate representation unit by the City Manager after providing notice and opportunity to consult with affected recognized employee organizations, if he/she finds that there is an appropriate unit to which such job classification may be assigned.

SECTION 1215

**DESIGNATION OF CONFIDENTIAL AND
MANAGEMENT EMPLOYEES – REPRESENTATION
UNITS**

The City Manager is authorized to designate confidential, management and/or supervisory employees, as defined in Section 1202, and, after providing notice and opportunity to consult to any interested recognized employee organization, may at any time revoke such designations. Upon such designation or revocation of designation, the City Manager shall assign such employee to an appropriate representation unit.

SECTION 1216

APPEALS

- A. An employee organization aggrieved by the City Manager's determination:
1. of an appropriate unit or appropriate unit assignment, or
 2. that a Petition has not been filed in compliance with the applicable provisions of this Chapter, may, within fifteen (15) days of notice of the determination, appeal such determination to the City Council, for final decision.
- B. Appeals to the Council shall be filed in writing with the City Clerk, and a copy thereof served on the City Manager. The Council shall commence to consider the matter within thirty (30) days of the filing of the appeal. The Council may, at its discretion, refer the dispute to a third party hearing process. Any decision of the Council on the use of such procedure, and/or any decision of the Council determining the substance of the dispute shall be final and binding.

SECTION 1217

**SUBMISSION OF CURRENT INFORMATION BY
RECOGNIZED EMPLOYEE ORGANIZATIONS**

All changes in the information required to be filed with the City by an exclusively recognized employee organization (See Section 1207 (1) through (11)) shall be submitted in writing to the City Manager within thirty (30) days of such change.

SECTION 1218

**PAYROLL DEDUCTIONS ON BEHALF OF
EMPLOYEE ORGANIZATIONS**

Upon formal acknowledgment by the City, an Exclusively Recognized Organization may be provided payroll deductions of membership dues upon the written authorization of employees in the unit represented by the Exclusively Recognized Employee Organization on forms provided by the City. The providing of such service to the Exclusively Recognized Employee Organization shall be contingent upon, and in accordance with, the provisions of any current Memorandum of Understanding and applicable administrative procedures.

SECTION 1219

**EMPLOYEE ORGANIZATIONS ACTIVITIES –
USE OF CITY RESOURCES**

Access to City work locations and the use of City paid time, facilities, equipment, and other resources by employee organizations and those representing them shall be authorized only to the extent provided for in the current Memorandum of Understanding and administrative procedures, shall be limited to lawful activities consistent with the provisions of this Chapter that pertain directly to the employer-employee relationship and not to such internal employee organization business as soliciting membership, campaigning for office, and organizing meetings and elections, and shall not interfere with the efficiency, safety, and security of City operations.

SECTION 1220

ADMINISTRATIVE RULES AND PROCEDURES

The City Manager is hereby authorized to establish such rules and procedures as are appropriate to implement and administer the provisions of this Chapter after affording notice and opportunity to consult with affected employee organizations.

PART D - IMPASSE PROCEDURES

SECTION 1221

INITIATION OF IMPASSE PROCEDURES

If the meet and confer process has reached impasse as defined in Section 1202 (10), either party may initiate the impasse procedures by declaring that impasse exists. An impasse meeting may be requested for the following purpose:

1. To review the position of the parties in a final effort to reach agreement on a Memorandum of Understanding; or
3. If the impasse is not resolved, to discuss arrangements for the utilization of the impasse procedure provided herein.

SECTION 1222

IMPASSE PROCEDURES

If the impasse is not resolved, the parties may voluntarily agree to engage in mediation and/or advisory fact finding as provided herein:

- A. Mediation. If the parties agree to submit the dispute to mediation, and agree on the selection of a mediator, the dispute shall be submitted to mediation. All mediation proceedings will be private. The mediator shall make no public recommendation, nor take any public position at any time concerning the issues. If the parties are unable to agree to the selection of a mediator, a list may be requested from the California State Mediation and Conciliation Service, and alternate striking of names, the first strike to be determined by a flip of a coin, will make selection.

- B. Advisory Fact-finding.
 - 1. If the mediator is unable to effect settlement of the controversy, the parties may mutually agree to submit the unresolved issues to fact-finding for resolution.
 - 2. Within seven (7) days after both parties have notified the other, in writing, that they desire to proceed to fact-finding, City representatives and representatives of the recognized employee organization shall each select one fact-finder to the panel.
 - 3. The third member of the fact-finding panel shall be selected by agreement between the two panel members selected by the City and the employee organization, and shall serve as the neutral fact-finder and chair of the panel.
 - 4. In the event that the panel members selected by the City and the employee organization cannot agree upon the selection of the third panel member, then either party may request the State Mediation and Conciliation Service to provide a list of seven (7) persons who are qualified and experienced as labor arbitrators/fact-finders.
 - 5. If within three (3) days after receipt of such list, the panel members selected by the City and the employee organization cannot agree on one of the seven (7) to act as the third neutral fact-finder and panel chair, they shall alternatively strike names from the list of nominees until only one name remains, and that person shall then become the neutral fact-finder and chair of the fact-finding panel. The first strike is to be determined by a flip of a coin.

- 6. Hearing Process.
 - A. The hearing must be commenced within thirty-five (35) days of the selection of the neutral fact-finder.
 - B. Seven (7) days prior to the hearing, each party must submit to the fact-finding panel a list of issues in dispute and a written statement of

position on each issue. A copy must be sent to the other party at the time of submission to the panel.

- C. The hearing shall be informal and need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule, which might make improper an admission of such evidence over objection in civil actions. Oral evidence shall be taken only under oath or affirmation.
- D. The hearing shall not be open to the public. Executive sessions for panel deliberations may be held outside the presence of the parties.
- E. The party proposing a change in the status quo will have the burden of going forward with evidence and arguments; except that the City will have the burden of going forward on the issue of ability to pay an award.
- F. As chair of the panel, the neutral fact-finder will rule on all matters of procedure and evidence.
- G. Facts will be presented during the hearing primarily by documents and narration rather than through a courtroom style question and answer process.
- H. Within ten (10) days after the closing of the hearing, each party shall submit to the panel and to each other, a final position on each issue in dispute. Each party may provide rationale for its final position on any issue.
- I. The fact-finding panel has jurisdiction over the items of dispute submitted by the parties. The panel has no jurisdiction or authority to entertain any matter or subject that is not a term and condition of employment as defined in Government Code Section 3504. An order, recommendation, or part of an order issued by the panel regarding a matter which is not a mandatory subject of meet and confer as defined by law, shall be void and of no effect.
- J. The fact-finding panel shall make a recommendation on each issue submitted by the parties. Such recommendation may adopt either of the positions submitted by the parties or may differ from either of the submitted positions. Each recommendation shall be determined by majority vote of the members of the panel.

7. Criteria

- a. In reaching a decision, the panel shall give weight to the factors listed below and shall include in a written decision an explanation of how the facts were taken into account in reaching a decision:

- (1) Local, state, and federal laws that are applicable to the City;
 - (2) Stipulations of the parties
 - (3) Comparability of the wages, hours and conditions of employment of employees involved in the proceeding to those of other employees performing similar services in comparable communities;
 - (4) The consumer price index for goods and services, commonly known as the cost of living;
 - (5) The overall compensation presently received by the employees involved in the fact-finding including direct wage compensation, overtime, vacations, holiday and other excused time, pensions, insurance, medical and hospitalization benefits, the continuity and stability of employment, and all other wages and benefits received by such employees;
 - (6) The right of the City to efficiently manage and conduct its operations within legal limitations;
 - (7) The financial ability of the City to meet the costs of an award;
 - (8) The present and future general and economic condition of the City.
 - (9) Comparability of recent salary or benefit adjustments given to employees in the City and/or in comparable communities; and
 - (10) Such other facts, not confined to those specified in subsections (1) through (9), inclusive, which are normally or traditionally taken into consideration in making such findings and recommendations.
- b. Comparability as referred to in these provisions will be established by reference to the following factors:
- (1) Geographic proximity to the City;
 - (2) Revenue per capita and similar revenue criteria;
 - (3) Similar population and budget size;
 - (4) Accepted agency practice;
 - (5) Similarity of services provided and frequency and level of services provided;
 - (6) Similarity of recruitment and retention factors;
 - (7) Comparable duties of the referenced group of employees; and
 - (8) Essential governmental structure (e.g. charter v. general law)

8. Post-Hearing Procedure.

- a. After the hearing has been closed, the chair of the panel may attempt to informally mediate the dispute.
- b. During any such mediation period, the time-lines for submission of final total packages by the parties and the submission of the recommendations of the panel shall be extended accordingly.

- c. The panel shall promptly submit its recommendations in writing and in confidence to the City and to the employee organization.
- d. The recommendations of the panel shall not be publicly disclosed until ten (10) days after being delivered to the parties. This ten (10) day period may be extended by written mutual agreement of the parties.
- e. During the ten (10) day period and any mutual extensions, the parties may meet privately and attempt to resolve their differences, and by mutual agreement may amend or modify any of the decisions of the panel.
- f. The conclusion of the ten (10) day period and any mutual extensions, the recommendations of the panel together with any amendments or modifications agreed to by the parties may be publicly disclosed and shall be filed with the City Manager.
- g. The expenses of the fact-finding hearing and fee for the services of the chair of the fact-finding panel shall be borne equally by the parties. The expenses for other panel members and all other expenses, which the parties may incur individually, are to be borne by the party incurring such expenses.

9. Action by the City Council.

1. The council shall receive the fact-finding panel's recommendations on any issues still in dispute.
 2. Upon receipt of the panel's recommendation the Council shall have the authority to adopt the panel's recommendations, unilaterally implement the City's last offer, provide further direction to its representatives in the meet and confer process, or refrain from taking any action.
 3. Before any such unilateral action, the City Council shall permit employee representatives to address the Council at a public meeting.
- C. The parties may revoke their consent to impasse resolution procedures at any time for any reason. If the parties do not agree to submit their dispute to mediation and/or to advisory fact-finding, or if the matter has been submitted but not resolved, the City Council may take such action regarding the impasse as it, in its discretion, deems appropriate as in the public interest. Any legislative action by the City Council on the impasse shall be final and binding.

PART E - MISCELLANEOUS PROVISIONS
CONSTRUCTION

SECTION 1223

This Chapter shall be administered and construed as follows:

1. Nothing in this Chapter shall be construed to deny to any person, employee, organization, the City or any authorized officer, body or other representative of the City, the rights, powers and authority granted by federal, state or local law;
2. This Chapter shall be interpreted so as to carry out its purposes as set forth in Section 1201; and
3. Nothing in this Chapter shall be construed as making the provisions of California Labor Code Section 923 applicable to City employees or employees organizations, or as giving employees or employee organizations the right to

participate in, support, cooperate, or encourage, directly or indirectly, any strike, sickout or other total or partial stoppage or slowdown of work.

SECTION 1224

SEVERABILITY

If any provision of this Chapter, or if the application of such provision to any person or circumstance, shall be held invalid, then the remainder of this Chapter, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

CHAPTER 13: DRUG AND ALCOHOL ABUSE POLICY

SECTION 1301

PURPOSE OF THE DRUG AND ALCOHOL ABUSE POLICY

- A. The purpose of the City of Patterson's Drug and Alcohol Abuse Policy is:
1. To establish and maintain an alcohol and drug free, safe, secure, and healthy working environment for all employees;
 2. To protect the citizens of the City and all other individuals who come in contact with City employees;
 3. To reduce incidents of alcohol or drug related injuries to individuals and/or damage to property; and
 4. To provide guidelines for the rehabilitation of employees who seek the City's help in overcoming addiction to, dependence upon, or problems associated with the use of alcohol or drugs.

B. City Policy

The City has an obligation to its officers, employees, and members of the public to take reasonable steps to provide an alcohol and drug free workplace and to deliver services in a safe manner. The following acts are strictly prohibited and may constitute cause for disciplinary action up to and including termination:

- reporting for work or working under the influence of alcohol or drugs;
- use, possession, transfer, purchase or sale, or attempted use, possession, transfer, or sale of alcohol or drugs in any manner during working hours, including rest breaks; and
- use of City property or premises to manufacture alcohol or drugs.

C. Definitions Related to Drug and Alcohol Abuse Policy

Alcohol: Any beverage that has an alcohol content in excess of (.5%) by volume

City Premises: All buildings, parking lots, service yards, patios, lunch rooms, break areas, rest rooms, loading docks, City owned vehicles, work sites, or any

other sites where employees perform services for the City regardless of the City's ownership or control of the property.

Employee: A person legally occupying a full-time, or part-time position in the service of the City.

Illegal Drug: Any drug, which is illegal under federal, state, or local law to use, sell, transfer, possess, manufacture, or consume.

Prescribed Drug: Any drug or medication lawfully prescribed for use by an employee by a licensed medical practitioner.

Under the Influence: Behavior modified by alcohol or drugs, resulting in substandard or modified job performance; diminished motor reflexes, impairment of coordination, speech, or mental concentration; or other conduct that poses a safety hazard to the employee, co-worker, or others.

D. Discipline

Any violation of this policy is cause for disciplinary action up to and including termination. Discipline may be imposed regardless of whether an employee is charged with and/or convicted of any criminal act relating to any violation of this policy.

E. Prescription Drugs

No prescription drug shall be possessed or used by an employee other than the employee for who the drug is prescribed by a licensed medical practitioner. A prescription drug shall be used only in the manner, combination, and quantity prescribed. If an employee is using or under the influence of a prescription drug during work hours it is the employee's responsibility to secure from his/her licensed medical practitioner a written opinion as to whether or not the employee may continue to perform their regular job duties (including operating heavy equipment) while taking the prescribe medication.

F. Reporting Violations to Law Enforcement Agencies

Violations of this policy that may constitute criminal conduct will be reported to the appropriate law enforcement agencies.

G. Pre-Employment Tests

All applicants for employment shall be required to take a pre-employment physical examination, which may include alcohol and/or drug test.

H. Safety or Workforce, Medical Examinations, Drug, and/or Alcohol Tests

Any employee may be asked to submit to a medical examination and/or an appropriate test to determine the use of alcohol and/or drugs when there is "reasonable suspicion" to believe that the employee has used or is under the influence of alcohol and/or drugs. "Reasonable suspicion " is suspicion that

requires further investigation based on some factual foundation for example, when an employee's behavior or physical appearance suggests drug use or possession of drugs, or there are other indications of a violation of the company's substance abuse prevention policy. These may include alcohol on the breath, unusually slurred speech, lapses in performance, inability to respond to questions, and physical symptoms of alcohol or drug influence.

Alcohol and/or drug testing may be requested following work-related accidents or any suspected violation of safety rules or standards, whether or not injury or damage resulted from the accident or safety violation. Reasonable suspicion for suspecting a violation of this policy shall be the basis for requesting a test.

The decision to proceed with a medical examination and/or alcohol or drug test will be made by the City Manager.

An employee determined to be unable to perform his/her duties in a satisfactory or safe manner may be ordered to leave the workplace.

I. Refusal of an Employee to Submit to a Medical Examination and/or Drug Test.

An employee's refusal to consent to a medical examination and/or alcohol or drug test may result in the immediate suspension of the employee pending investigation. An employee who, upon request, refuses to consent to a medical examination and/or drug test shall not be able to utilize the rehabilitation benefits described in this Chapter. An employee who voluntarily participates in a counseling program described in the Rehabilitation Section of this policy prior to being asked to consent to a medical examination and/or drug or alcohol test shall be allowed to utilize the rehabilitation benefits described in this policy. An employee must be informed of the option for voluntary counseling before the employee is requested to consent to a medical examination or alcohol or drug test.

Except as provided in this policy, an employee who upon request refuses to consent to medical examination and/or alcohol or drug test, may be disciplined for misconduct or unsatisfactory job performance; however, the use of alcohol or drugs shall not be considered a mitigating factor with regard to the imposition of discipline unless the employee has voluntarily participated in a counseling program as described in the Rehabilitation Section of this policy prior to being asked to consent to a medical examination and/or alcohol or drug test.

J. Inspections to Administer and Enforce

In order to promote an alcohol and drug free, safe, productive, and efficient workplace the City reserves the right to search any City owned or controlled articles or property in an employee's control or possession to determine the presence of alcohol or drugs. The City expressly reserves the right to inspect City owned or controlled lockers, desks, tool boxes, vehicles, packages, containers, and other articles within a work area.

If the City Manager or a supervisor has reason to believe that alcohol or drugs are present in a work area in violation of this policy, the appropriate law enforcement agency may be contacted and asked to conduct a search of the work area.

K. Alcohol and Drug Test Results

A positive alcohol or drug test will be retested. A chain of custody of the tested blood, urine, or other sample will be established and maintained by the City and/or testing clinic or laboratory. Laboratory reports and/or test results shall not be placed in an employee's personnel file but shall be placed in a separate confidential medical records file maintained by the City Manager. Laboratory reports and/or tests shall be disclosed to the employee upon request. The employee may also request disclosure of tests to other individuals on a need to know basis.

L. Guidelines for Supervisory Staff

The suspicion of alcohol or drug use must be based on objective factors related to the employee's appearance, conduct, speech, behavior and/or other objective facts. If a supervisor has reason to believe that an employee is under the influence of alcohol or drugs, or otherwise in violation of this policy, the supervisor should do the following:

1. Accompany the employee to a private office, room or other area. If possible, a witness should accompany the supervisor.
2. If it is determined that this policy may have been violated, the City Manager should be advised of the situation. After receiving authorization to conduct a medical examination and/or alcohol or drug test, the employee should be told that his/her behavior or performance warrants a medical examination and/or alcohol or drug test conducted at a City-designated testing facility.
3. If the employee agrees to a medical examination and/or alcohol or drug test the following procedure should be carried out:
 - a. The employee should be asked to read and sign an Authorization for Testing Form (Attachment A), and an Authorization for Release and Use of Testing Information (Attachment B)
 - b. The City Manager, as appropriate, will arrange for transportation to a City designated testing facility.
4. If the results of the medical examination and/or alcohol or drug test indicate that the employee is/was under the influence of alcohol and/or drugs or has violated this policy, appropriate disciplinary action may be taken, up to an including termination.
5. If the results of the medical examination and/or drug test indicated another medical or psychological cause for the employee's behavior, the employee will be placed on medical leave and will be required to provide the City with a medical release from a physician before returning to work. The City may require the employee to be examined and evaluated by a City-selected physician before being allowed to return to work.

6. If the results of the medical examination and/or alcohol or drug test are negative or inconclusive the City with regard to alcohol and drug use will take no further action.
7. When a supervisor requests that an employee submit to a medical examination and/or alcohol or drug test, based upon a reasonable objective evaluation of employee conduct, speech, behavior, or other facts, refusal to submit to this section of this policy shall apply to an employee refusal to submit to the requested medical examination and/or drug test. An employee may be immediately suspended from work under such circumstances to protect the safety of the employee or their workers and maintain an efficient, productive work environment. The decision to suspend an employee shall be made by the City Manager.
8. If an employee is suspended, the supervisor should arrange for the employee transportation to his/her residence.
9. All supervisors involved in any incident under this policy must prepare a written record of the incident within twenty-four (24) hours of its occurrence, holidays and weekends included.

M. Conditions of Employment

Employees must abide by the terms of this policy as a condition of employment.

CHAPTER 14: ELECTRONIC MAIL (EMAIL) USE POLICY

SECTION 1401: ELECTRONIC MAIL (EMAIL) USE POLICY

The purpose of this policy is to establish email standards for use on computers throughout the City of Patterson.

Overview:

Electronic mail (email) can be a very effective way of sharing information with others, both inside and outside the City. However, because email often appears less formal than other forms communication, there is a tendency to forget that email messages are not less a part of "official City business" than any other hard-copy City correspondence.

The City's email system exists for the purpose of conducting City business and all electronic data placed on this system is the property of the City. Accordingly, employees should have no expectations of privacy regarding email messages (or any other data files residing on City-owned hardware), whether sent or received. This includes any files that may be designated as "private" under the City's software.

Be advised that email should never be used for confidential information or information of an imperative or time sensitive nature.

As with all other data on the City's Information system, the City reserves the right for authorized staff to access and review all email messages and data files on the City's information system at any time.

There are a number of circumstances under which email messages may be publicly disclosed. Be advised that under some circumstances, communications sent via email may be subject to disclosure under the Public Records Act, cooperation with law enforcement or litigation.

If disclosure of email messages (or other data files) should be required under the Public Records Act, cooperation with law enforcement, or other lawful requests (despite the designation of any message as “private” or “confidential”), the City shall not be liable for this disclosure in any way. In short, the City’s Information System does not provide any guarantee of personal privacy protection, and employees should use it with this limitation in mind.

Prohibited Uses of Email:

Since the email system exists solely for the purpose of conducting City business, good judgment and common sense should prevail at all times regarding its appropriate use. Under this standard, it is not possible to list all allowed and prohibited uses of email. However, the use of City email is expressly prohibited whenever it would:

Compromise the integrity of the City and its business operations in any way;

Break the law by sending chain letters or copies of documents in violation of copyright laws, or by committing any other illegal acts;

Contain offensive, abusive, threatening, obscene language or graphics, or otherwise inappropriate or unrelated to City business;

Violate the City’s affirmative action or sexual harassment policy by including content that is sexually explicit or could be construed as discriminatory based on race, national origin, sex, sexual orientation, age, disability, or religious or political beliefs;

Advertise or promote commercial ventures, religious beliefs or political causes; or

Result in private gain or advantage for the employee (such as conducting business related to economic interests outside of City employment).

Violation of the City’s Electronic Mail use Policy may result in disciplinary action up to and including termination as determined by the City Manager.

SECTION 1402:

INTERNET ACCESS AND USE POLICY

Overview

The Internet can be a very effective resource in gathering information needed to conduct City business; for this reason, the City provides employees with browsing access to it. However, as everyone knows who has ever logged on to it, “surfing the net” can be very addictive and time consuming. It’s easy to become absorbed with one link after another, and forget the original business reason for accessing the Internet and visiting a Web site.

In short, browsing access to the Internet can either be a major productivity boost or a major time waster, depending on its use. Accordingly, this policy sets guidelines for using City resources in accessing the internet that retain its value for obtaining information while also assuring its appropriate use in conducting City business.

Using Internet Email. Guidelines for using Internet email are set forth separately in the City's Electronic Mail Policy.

Purpose of Providing Internet Access

The City's Internet connection exists solely for the purpose of conducting City business, and is not intended for personal use.

Use and Access to the City Internet Connection

Good judgment and common sense should always prevail regarding the appropriate use of the City's Internet connection. Under this standard, it is not possible to list all the allowed and prohibited uses of the City's Internet connection. However, use of the City's Internet connection for any reason is expressly prohibited under the following circumstances:

- Compromises the integrity of the City and its business operations in any way.
- Commits any illegal act.
- Violates the City's affirmative action or sexual harassment avoidance policies.
- Results in private gain or advantage for the employee (such as conducting business related to economic interests outside of City employment), or violates the City's ethics policy.

Approval to Use the City's Internet Connection

- **General approval.** Council members, Council appointed officials, department heads, and all City employees are authorized to use the City's Internet connection.

Employee Responsibility

1. General: Each employee with access to the City's Internet connection is responsible for understanding and following these guidelines. Unauthorized or improper use of the City's Internet connection may result in terminating access to it; and depending on the severity of the outcome of unauthorized or improper use, may result in disciplinary action, up to and including termination.
2. Connection Security and Passwords: Each employee shall have a uniquely assigned user name and password for security purposes. While this cannot guarantee privacy, confidentiality or data security, it is an important component of the City's overall system protection.
3. Enforcement: Each Department Head will be responsible for policy compliance and may implement further regulations, not inconsistent with this policy, as they relate to systems specific to their individual department. Violations of this policy are to be reported to the Department Head for appropriate disciplinary action.

SECTION 1403:

TELECOMMUNICATIONS POLICY

Purpose:

The City of Patterson recognizes the need for City-owned cellular phones, 2-way phones, and pagers. This policy establishes the procedure for the authorization, development, and use of telecommunication devices to contain costs, ensure departmental accountability and personal responsibility, and prevent improper use. City cellular phones, 2-way phones and pagers are issued for City official business. Personal use or abuse of this privilege can result in loss of the use of the telecommunication equipment and/or disciplinary action.

Provisions:

Each Department Head will administer the Telecommunications Policy for his/her department.

To ensure that the City is receiving the best telecommunications policy rates possible, each department will review the different rate plans available on a yearly basis.

Employees are responsible for maintaining adequate physical protection of all equipment issued to them by the City. If any City owned cellular phones, 2-way phones and pagers are damaged or stolen, the employee must notify his/her department head immediately.

The department head will review the list of telecommunication users in July of each year to ensure that the designated employees continue to demonstrate a need for the equipment they have been issued.

Any equipment purchased by the City is owned by the City and should be returned to the Department Head when the employee separates from service or when the need for such equipment no longer exists. The employee's final check will be held, pending return of all City equipment. Equipment must be returned in good working order or the cost to repair any damage may be deducted from employee's final check.

Accountability:

Department Heads are responsible for each phone bill generated within their departments. Personal use of City owned telecommunications equipment is expressly prohibited.

The City shall reserve the right to audit/review all phone bills. Misuse or abuse of telecommunication equipment or the Telecommunications Policy will result in disciplinary action up to and including termination.

CHAPTER 15: MISCELLANEOUS

SECTION 1501

REPORTS OF CHANGE OF STATUS

All actions related to matters of employment or a change in the status of employment shall be reported by the department head to the City Manager or his/her designee on City of Patterson Personnel Action Forms. Copies of such reports shall be furnished to the employee involved.

SECTION 1502

GRATUITIES

No officer or employee of the City shall solicit or accept any gratuity for services rendered as provided in Administrative Policy No.1, City of Patterson-Code of Ethics.

SECTION 1503

OUTSIDE EMPLOYMENT

Any regular employee desiring to engage in outside employment shall first obtain non-City conflict job approval from his Department Head as provided in Chapter 1, Section 107, City of Patterson - Code of Ethics

SECTION 1504

UNIFORM ALLOWANCE

Regular City employees may receive uniform allowance when they are approved in the budgets of the respective departments and/or approved in memorandums of understanding. Such allowances are to be used to acquire and maintain the specific departmental uniform in a neat and proper manner.

The City Manager or his/her designee may establish administrative rules and procedures for the administration of the uniform allowance program.

SECTION 1505

POLITICAL ACTIVATION

The appropriate provisions of the Government Code shall govern the political activity of City employees.

SECTION 1506

CONFLICT OF INTEREST

No employee shall engage in any business transaction or shall have a financial interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public interest or would tend to impair his independence of judgment or action in the performance of his official duties. See Chapter 1, Section 107 – Code of Ethics.

SECTION 1507

DEPARTMENTAL REPRESENTATION AT CITY COUNCIL MEETINGS

Department Heads shall be required to attend all regular meetings of the City Council, Subject to the direction of the City Manager, who may excuse such attendance at his discretion. The City Manager may also require attendance of Department Heads at Planning Commission meetings and special City Council meetings as the City Manager may, from time to time, specify.

CITY OF PATTERSON
EMPLOYEE MERIT SYSTEM RULES AND REGULATIONS

I have read and understand the City of Patterson's Employee Merit System and Regulations. I understand that City of Patterson retains the right, in its sole discretion, to modify, alter or amend the handbook at any time. I also understand that no manager or supervisor except the City Manager has the authority to enter into any contract of employment, written or oral, with any employee.

Employee Signature

Date

Print Employee Name Here

(Please sign and return to employee supervisor. Forms will be filed in the employee's permanent record)

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RESOLUTION NO. 2005-117

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PATTERSON
ADOPTING THE CITY OF PATTERSON
PERSONNEL POLICIES MERIT SYSTEM, RULES AND REGULATIONS**

WHEREAS, the City has been working on new personnel rules and regulations; and

WHEREAS, the old City personnel policies, merit system, rules and regulations was adopted in 1983 and have now been completely redone; and

WHEREAS, the new personnel rules and regulations have been prepared and reviewed by all departments and is ready for adoption; and

WHEREAS, at the City Council meeting of November 15, 2005, the City Council received for review the new rules and regulations for the City of Patterson. Also at this meeting the Union representative asked for a copy of the rules. These rules have been presented to the union several times over the past 1-½ years with no comments. Therefore we assumed they had no comments. No further questions from the Union have been received to date; and

WHEREAS, Patterson Municipal Chapter 2.16.060 authorizes the City Manager to prescribe rules necessary as follows:

A. Prescribed Rules. The City Manager shall have the power to prescribe such rules and regulations, as he shall deem necessary for the conduct of administrative agencies subject to his authority

WHEREAS, Once the new City of Patterson Personnel Policies Merit System Rules and Regulations is adopted, a sets of these rules and regulations will be published and distributed to City Departments. These rules and regulations will be tracked to ensure its' kept current. Each employee will be asked to read a copy and confirm they have read and understand it.

NOW THEREFORE, BE IT RESOLVED, In accordance with our Patterson Municipal Code, Chapter 2.16.060, the City Council hereby adopts a new City of Patterson Personnel

1 Policies Merit System, Rules and Regulations by this resolution.

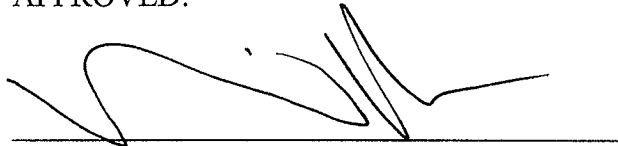
2 The foregoing resolution was introduced at a regular meeting of the City Council of the
3 City of Patterson held on the 6th day of December 2005, by Mayor Keller, who moved its
4 adoption, which motion was duly seconded by Councilmember Cuellar, and it was upon roll call
5 carried and the resolution adopted by the following vote:

6 AYES: Councilmembers Gray, Brown, Campo, Cuellar and Mayor Keller

7 NOES: None


8 EXCUSED: None

9 APPROVED:

10 

11
12 David Keller, Mayor of the City of Patterson

13 ATTEST:

14 
15

16 Maricela L. Vela, City Clerk of the City of Patterson

17
18
19
20
21 I hereby certify that the foregoing is a full, correct and true copy of a resolution passed by
22 the City Council of the City of Patterson, a Municipal Corporation of the County of Stanislaus,
23 State of California, at a regular meeting held on the 6th day of December 2005, and I further
24 certify that said resolution is in full force and effect and has never been rescinded or modified.

25 DATED:
26

27 _____
City Clerk of the City of Patterson

CITY OF PATTERSON

MANAGER/MID MANAGER

COMPENSATION PROGRAM

August, 2004

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CITY OF PATTERSON MANAGER/MID MANAGER COMPENSATION PROGRAM

PROGRAM OVERVIEW

Over the past year, the City of Patterson has reviewed various programs to increase productivity and moral amongst employees and to reward outstanding performance while correcting unacceptable performance. With the full support of the City Council, the City Manager and department heads have developed a program to take Patterson to a higher level of achievement. The first step in this process is the implementation of a Performance Based Pay Plan for Managers and Mid Managers.

THE REVISED PAY SYSTEM

Recognizing the critical role that the pay system plays in a performance, staff has prepared a pay plan designed to encourage excellence in City employees. The program will begin as a pilot program for managers and mid managers. Once fully implemented, with adjustments as necessary, the plan will be expanded with modifications to include all employees. It is the goal of this program to assist managers in setting and accomplishing long range objectives.

Although the previous pay policy described that compensation for management classes was intended to be commensurate with actual job performance, the system did not include specific features that linked pay to performance. Further, "satisfactory" performance generally qualified a manager for a step increase, and movement through the "step system" became essentially automatic. In addition, general adjustments were made annually to all management salaries based on several factors other than individual performance. Staff recognized that this plan strived to encourage excellent performance when in fact it encouraged mediocre performance.

After review of several pay for performance programs, staff has set up the following program which is designed to provide excellent rewards for excellent performance, little or no reward for satisfactory or lower performance, and the ability to implement negative rewards for sub-standard performance.

There are three elements to the revised pay system for the key management group. First, staff realized that the goal of the Council was to provide a strong pay-for-performance plan to clearly communicate that the City and Council are serious in the commitment to promote excellent performance. Other important considerations include fiscal prudence, competitive pay, and the need to attract and retain quality management employees who are dedicated to excellent performance.

Second, a major reconfiguration of the pay schedule for management and mid management positions was prepared with emphasis on the importance of external comparisons equally with internal equity. The "automatic" steps were eliminated since

all future increases are to be based on performance. The new salary schedule will be reviewed annually based on several identified variables, including movements in the market place. However, changes to the pay schedule will not result in changes in an individual manager's rate of pay.

The third element was the development of the pay-for-performance plan, an evaluation tool to assist managers and the Council in measuring excellent performance. In turn, excellent performance will assist the City in providing responsive, innovative local government services. The new plan becomes the exclusive system for management pay adjustments (other than bona fide promotions). Not only will movement through the pay range be exclusively based on performance, a manager's salary is now "at risk". Failure to perform can result in a pay reduction of up to 5%, creating a disincentive for poor performance.

Under the pay-for-performance plan, managers are eligible for an annual Performance Compensation Award ("PCA") based on their performance score developed through the performance evaluation. The PCA will be paid as an increase in the base salary rate up to the maximum rate for the position. That portion of a PCA which would exceed the maximum rate for the position, will be annualized and awarded as a one time lump sum payment.

The revised manager and mid manager pay system is designed to accomplish several important objectives:

- It makes excellent performance financially worthwhile. This creates a climate in which excellent performers are encouraged to sustain their performance.
- It communicates to satisfactory performers the importance of improved performance. This creates a climate in which employees understand that superior performance is financially worthwhile and provides encouragement for them to improve their performance where possible to earn financial rewards.
- It provides a compensation system that encourages excellence and not mediocrity.
- It communicates to less than satisfactory performers that their performance must improve or they will be encouraged to find employment where their abilities more closely match the performance expectations of the organization.

CITY OF PATTERSON MANAGER/MID MANAGER COMPENSATION POLICY

GENERAL INTRODUCTION

Management Staff will be accountable for performance and the City's success, and will be recognized for their achievements. Measurable performance goals are set which support the priorities of the City and each Department. Staff is given the necessary authority, training and resources to enable them to achieve these goals. Performance reviews are conducted in a timely and effective manner. Employee advancement and other incentives are based on performance.

Policy Statement

The City's Compensation Policy is designed to assist in making the City of Patterson a city of the highest quality. Fairness, competitiveness, and equity are important components of the pay philosophy to the extent they complement the primary focus. A Compensation Plan will be designed to recognize and encourage (through appropriate compensation rewards) desired outcomes, innovation, reasonable risk taking, and accountability. While the core principles of the philosophy will remain stable, the Compensation Plan details will be flexible to meet the changing needs of the City of Patterson.

Policy Implementation

The City's compensation policy will be implemented in accordance with the following guidelines:

1 Fiscally Prudent

The City's practice is to compensate employees in accordance with the City's financial condition. In determining the City's financial condition, the City will consider competing service priorities, reserves, revenue growth, and the Council's adopted budget policies.

2 Attract and Retain Quality Employees

The City's Compensation Plan should provide the City with the ability to attract and retain high quality, innovative, motivated, performance oriented individuals.

3 Base Pay

The maximum base pay rates will generally reflect the economics of the market and serve as the foundation for variable pay. The market will be determined for each position or group of like positions and will typically include comparable sized public agencies

located in the Central Valley, but may also include private sector employers, as appropriate. Maximum base pay rates will be competitive with the identified market(s) and will reflect the opportunity for above average performers to earn more than market rates through performance based Incentive Compensation Awards, i.e., the variable pay component. The maximum rates for individual positions will be valued based primarily on external market considerations modified as appropriate by internal alignment considerations.

4 Variable Pay

All management and executive employees will participate in a pay for performance plan which will reward the achievement of individual performance objectives, goals and, when applicable, will reward successful accomplishment of special efforts. The pay for performance plan will provide the opportunity for above average performers to earn more than market rates for comparable positions. The pay for performance plan will include adjustments to base pay and lump sum bonuses where appropriate.

5 Mix of Base Salary, Total Cash, and Benefit

The City's policy is to provide a mix of base salary, total cash, and benefits that is generally competitive with the labor market. When evaluating benefits, the City will consider both the cost and the content of the benefits.

PAY FOR PERFORMANCE PLAN

Purpose

The purpose of the Pay-for Performance Plan is to provide a strategic tool to assist the City in achieving its goals of providing responsive, innovative local government services in the most efficient and cost effective manner. The Plan has been designed to reward management employees of the City for exceptional performance in their assigned area of work, and exceptional performance in the completion of special projects and studies.

Plan Provisions

1 Coverage

All regular employees assigned to management and mid management positions, except council appointed officers will be covered by the new pay plan. Notwithstanding the exception, the Council may authorize the application of this Plan to Council-appointed officers upon terms as they may determine are in the best interests of the City.

2 Eligibility

To be eligible for a Performance Compensation Award, the covered employee must be in active status on the last day of September, following the end of the fiscal year, and must have been assigned to a management mid management position for a minimum of six

calendar months preceding the end of the fiscal year. Awards will be prorated for eligible employees with more than six months, but less than a full year participation in the Plan.

3 Exclusive System for Pay Adjustments

Other than bona fide promotions, all individual salary increases will be based on performance and shall be in the form of a Performance Compensation Award.

4 Performance Compensation Awards

At the completion of the Annual Performance Evaluation process, the performance scores from each performance category (Part I, Part II, and Part III) will be included in the Annual Performance Evaluation. The final performance score will equal the total of the weighted scores for each performance category.

Performance Compensation Awards shall be determined as follows:

Perf. Score	Perf. Rating	Performance Compensation Award (% of current salary)
95 to 100	Outstanding	9% to 12%
85 to 94	Superior	6% to 9%
75 to 84	Good	2% to 5%
65 to 74	Needs Improvement	0% to -3%
Less than 65	Unsatisfactory	-3% to -5%

Salary increases shall be limited by the pay range maximum for each position. The amount of Incentive Compensation Awards which exceed the pay range maximum will be paid as an annualized lump sum payment.

5 Award Payments

All payments made under the plan, whether in the form of salary increases or lump sum payments, will be included as reportable compensation for purposes of PERS. Other than as specifically provided, lump sum payments shall not be included as compensation for purposes of disability benefits, vacation or holiday pay, or any other pay related City provided fringe benefit. Lump sum payments as described in paragraph above, will be payable by the first pay period following October 1st of each calendar year and will be subject to all statutory withholdings. All salary adjustments will be effective with the beginning of the first payroll period following October 1st of each calendar year.

Plan Administration

The plan will be administered by the City Manager with approval from the City Council, as appropriate. The plan is designed to be flexible in response to changing competitive environments and the City's financial status. Participation in the plan does not guarantee employment, nor does participation at one time guarantee ongoing participation.

Amendment and Termination of the Plan

While it is intended that the plan will become an integral part of the City's compensation policy for management and mid management employees, the City reserves the right to terminate, suspend, or amend the plan, in whole or in part, from time to time as conditions warrant.

PERFORMANCE MANAGEMENT PROCESS GUIDELINES

INTRODUCTION

These guidelines briefly describe the linkages between the Achievement Plan, Year End Audit, Performance Based Budgeting, and the Executive and Management Pay for Performance Plan and set forth the general protocol for bringing these components together to develop each participant's annual Incentive Compensation Award. These guidelines are expected to evolve throughout the initial years of the process, as the Performance Based Budgeting System is refined and the participants become more experienced in identifying and measuring performance outcomes. The guidelines below reflect this evolution to date.

ACHIEVEMENT PLAN

The process begins when each manager prepares an individual Achievement Plan for the upcoming fiscal year. These Achievement Plans are typically prepared in April and translate the City Council's expectations into specific objectives for each manager. The Achievement Plan defines a "contract" between the organization and the manager and forms the basis for performance measurement. The Achievement Plans are organized into three sections, referred to as Part I, Part II, and Part III. Briefly, Part I includes the manager's operational responsibilities, i.e., the primary functions performed by the manager, or why the position exists. Part II includes all special projects or studies that are contemplated to be worked on or completed during the fiscal year. Part III includes measures of the core management and leadership competencies, particularly as they reflect the impact of a particular manager on the City's Goals and Values.

The Achievement Plan component operates as follows:

Initial Achievement Plan Meeting

The manager and the manager's supervisor, referred to as the "supervisor" will meet at start of the fiscal year to review the manager's Achievement Plan.

Part I

The manager and supervisor will discuss the manager's Part I program objectives, performance indicators, and tasks, and determine generally the results necessary for achieving each acceptable level of performance ("Good", "Superior", "Outstanding"). In determining the results necessary to achieve each acceptable level of performance, the following can be used as a general guideline.

The manager and the supervisor should review the manager's program objectives, performance indicators, and tasks. The purpose of this review is to determine the range of acceptable performance for the relevant **performance indicators** associated with each

program objective. This information will help guide the manager's and supervisors future evaluation of whether or not the program objective was met. The following table is provided as a guideline when reviewing performance indicators, to establish a range of acceptable performance:

It is recognized that the range of acceptable performance for any particular performance indicator or task may deviate from these general guidelines. If the ranges are modified from the above guideline, the manager and supervisor should identify the ranges used and the rationale for deviating from the above guidelines should be documented. During this review, the manager and supervisor should agree on any Part I program objectives that are of a higher priority so the manager will understand the supervisor's expectations.

PART I COMPONENT	DID NOT MEET	MET	EXCEEDED
Performance Indicators	More than 5% unfavorable to Plan	Plus or minus 5% of Plan	5% better than Plan

Part II

The manager and supervisor will discuss the Part II projects that are included in the manager's Achievement Plan and establish priorities among the Part II projects. If practicable, weightings among Part IIs should likewise be set. At the end of the meeting, the manager and the supervisor should have a clear and mutual understanding of the relative priorities of the Part II projects. Part II projects will include those Part IIs for which the manager has been identified as support and where the scope of the manager's support role has been defined. The supervisor will communicate the expectations and establish in general terms the factors which will be considered in rating Part II project completion as "Outstanding", "Superior", etc. Factors should include consideration of timely completion, cost, quality, impact, degree of difficulty, potential for cost savings or increased productivity, innovation, conservation of time, materials, resources, support of City Goals, expectation of improved customer service, etc., as appropriate to the specific Part II. When projects are added during the year, the manager and supervisor should discuss the priority of the added project and how the project fits into the overall plan for completion of other projects. The supervisor must approve changes in priority or deferral of completion dates of other projects. The City manager, in turn, must approve those plan adjustments. The manager and supervisor are responsible for recording approved changes. *At this meeting the supervisor will emphasize the importance of accurate monthly reporting of Part II project status.*

Part III

The Part III objectives should be reviewed, with appropriate reference to the Goals and Values, and the results necessary for achieving each acceptable level of performance ("Good", "Superior", "Outstanding") should generally be discussed. The manager and

supervisor should also discuss and agree on a plan for the manager's self-development program and identify training opportunities, including GOAL Workshops where appropriate.

Periodic Feedback

The successful completion of the Achievement Plan will be significantly enhanced by effective use of two periodic feedback tools:

Monthly Reviews

Monthly reports are to be completed before the 15th day of each month by the manager and should update the necessary Part I performance indicator and task data and succinctly describe the status of each assigned Part II, including the status of the manager's scope of supporting role Part II projects. When Part II completion dates are extended, the rationale should be recorded. Where a project's priority is adjusted, the monthly report should reflect the change. When projects are added during the fiscal year, the monthly reports include the added project, clearly identifying that it is an added project, and the impact on completion of other assigned work, if any. The monthly reports should be reviewed by the supervisor and feedback should be provided to the manager where deviations from Plan are identified.

Trimester Reviews

All managers shall receive trimester reviews and the Department Head shall conduct the trimester reviews of all direct reporting managers. Reviews will include a review of all Part I programs and the Part II project status to date. Managers will be expected to provide explanations for any delays incurred which will extend completion of Part II projects. Managers should be provided feedback on performance to date, including performance feedback on Part IIIs, including progress on the self-development program, where applicable. The trimester reviews are a critical element in the feedback process because they provide an opportunity for the manager to investigate and explain deviations from budget and the reviews also prepare the Department Heads for their trimester reviews with the City Manager.

Trimester reviews will be scheduled during the months of September/October, January/February, and April/May.

YEAR END REVIEWS

The Year End Report is a narrative account by the manager of accomplishments, supported as appropriate by performance indicator and task data. The Year End Report will follow the three part format of the Achievement Plan and is a self-evaluation of each of the performance objectives set forth in the Achievement Plan. The Year End Report provides the basis for evaluation of each manager, Department Head and, ultimately, the City Manager. Year End Reports will be completed by each manager and submitted to the Department Head by the end of the third full week of July.

Part I

The manager's narrative should address each of the performance objectives but should focus on the high priority objectives describing any circumstances that made the accomplishment of the objective particularly noteworthy. For example, the manager should describe any adverse conditions which made the accomplishment more difficult than anticipated. If a budgeted objective was not met, the manager should address this issue and identify the reasons for the shortcoming. The manager should also explain what steps will be taken to assure that the objective will be met in the future. Operational responsibilities which are not covered by a program objective, performance indicators, or tasks, should also be described. The description should include why the responsibility is important and what was significant in terms of accomplishment. In preparing the Part I report, the manager should focus on the impact the manager's efforts have made on the organization.

Part II

The manager's narrative addresses assigned projects included in the Achievement Plan, and projects or special assignments that were added during the course of the fiscal year, i.e., unplanned projects, and may include those where the manager was identified as providing a support role. The manager will highlight those where the accomplishment was particularly noteworthy or where the project was not completed according to plan. If there was a failure to meet the goal, explain why and what corrective actions are being taken. The narrative should focus on the major accomplishments and should include:

- why the accomplishment was significant;
- what impact the accomplishment had on the City, e.g., cost savings, improved customer service, increased productivity, etc.;
- if it was completed as scheduled or, if long term, is on or ahead of schedule; and
- any other circumstances that made accomplishment of the project particularly noteworthy.

Part III

The Part III narrative will address those Part III objectives included in the Achievement Plan. In general, the Part III objectives should reflect the City's Goals and Values. In particular, the manager should provide specific examples of accomplishments in one of more of the following areas. The supervisor will address the applicable areas in the audit.

- **Goals and Values:** The approach to assignments and the performance of work reflects an understanding of, and personal commitment to, the City's Goals and Values.
- **Customer Service:** Continuously working to improve customer service; making attempts to involve others at all points in the service delivery system to improve or redesign the process; routinely soliciting, systematically gathering, and accurately measuring feedback to be used in the redesign process; understanding who the customer is and displaying a positive customer service orientation.

- **Leadership:** Influencing and effectuating positive outcomes by setting and communicating clear visions of goals and strategies and gaining the commitment of others through personal example and by adhering to high ethical, professional, and performance standards.
- **Team Player:** Advocating and advancing the seamless organization philosophy by participation in interdepartmental committees, teams and task forces; interdepartmental cooperation.
- **Professional Growth/Self Development:** Maintaining professional skills and designing and implementing a self-development program as appropriate.
- **Fiscal Awareness:** Managing financial and material resources, showing an awareness of the budget process and exercising effective cost control, identifying and promoting revenue enhancement opportunities;
- **Communication Skills:** Writing clear and concise reports, memos, and letters; making effective group presentations and making the effort to improve communication skills. Facilitating communications throughout the organization.
- **Planning and Organizing:** Anticipating future needs; establishing and managing priorities; adapting to a changing environment and modifying priorities as necessary; demonstrating effective leadership skills and assertive initiative.
- **Initiative/Innovation:** Seeking and supporting new ways to perform work more efficiently or productively; demonstrating original thinking, ingenuity, and creativity by searching out and introducing new ideas or courses of action; demonstrating a willingness to take risks when appropriate.
- **Problem Solving:** Anticipating problems and the need for good information; assuming responsibility for making decisions based on sound judgment supported by reliable relevant facts.
- **Staff Management:** Motivating assigned staff toward the achievement of excellence; effectively delegating responsibility to staff and allowing decisions to be made at the lowest level at which information is available and responsibility is assigned; conducting annual and periodic performance reviews with all assigned employees in a timely manner; providing regular, ongoing performance feedback in a constructive, reinforcing manner; developing staff through career and professional counseling and work assignments; developing and building employee morale.

Calculation of the Performance Compensation Award

The Performance Compensation Award (PCA) percentage will be determined by applying the attached guide chart. The percentage will be multiplied by the manager’s annualized current monthly salary to determine the PCA. *(Note: there are certain exceptions to this general rule, e.g., for those who are on provisional appointments, and Human Resources should be contacted for guidance.)* The awarded PCA will be distributed as follows: the PCA will be applied to increase current base compensation up to the maximum salary for the pay range to which the manager is assigned. The remainder of the PCA will be distributed as a one-time lump sum. The following examples are illustrative:

Manager 1	Current annual salary:	\$48,000
	Maximum salary for pay range:	52,000

PCA based on performance rating: 3,000

New annual salary: \$51,000

Manager 2 Current annual salary: \$50,000

Maximum salary for pay range: 52,000

PCA based on performance rating: 3,000

New annual salary: \$52,000 (range maximum)

Lump sum payment: \$1,000

Part I Rating Matrix

Part I	Outstanding 95-100	Superior 85-94	Good 75-84	Needs Improvement 65-74	Unsatisfactory Below 65
Program Objectives	Exceeds all high priority objectives as determined in Achievement Plan discussion. No program objective is "not met".	Exceeds most of the high priority objectives. No program objective is "not met".	Meets all program objectives.	Meets some but not all program objectives.	Fails to meet the high priority objectives, meets some but not all program objectives.
Budget Preparation and Management	Budget preparation is accurately accomplished ahead of budget deadlines. All issues regarding management of expenditures and revenues are addressed quickly and effectively.	Budget is accurately accomplished by budget deadlines. Issues regarding management of expenditures and revenues are identified and addressed.	Budget preparation is generally accurate and meets most budget deadlines. Issues regarding management of expenditures and revenues are identified and addressed.	Budget preparation contains errors and some deadlines are not met. Not all issues regarding management of expenditures and revenues are identified and addressed. Does not completely understand the management of revenues and expenditures and fails to meet several budgeted items.	Budget preparation Contains numerous errors and is submitted very late or not at all. Issues regarding management of expenditures and revenues are not addressed. Fails to understand the management of revenues and expenditures and fails to meet most budgeted items.
Commissions and Boards Staff Support	Staff reports timely and accurately completed all of the time.	Staff reports timely and accurately completed most of the time with no adverse consequence for infrequent failures.	Staff reports timely and/or accurately completed most of the time with no adverse consequences for infrequent failures.	Occasionally fails to accurately and timely prepare staff reports for Boards and Commissions.	Repeatedly failed to properly prepare for meetings, causing delays, postponements, and complaints
Major Assignments To be identified by manager and reviewee.					

PART II RATING MATRIX

Part II (Definitions)	Outstanding 95-100	Superior 85-94	Good 75-84	Needs Improvement 65-74	Unsatisfactory Below 65
<ul style="list-style-type: none"> • Projects Include: • Unique, one time items. • Reports/special studies related to productivity, cost savings. • Capital Projects. • Council Support on Regional Task Force/Committees. • Investigate and report on special issues considered by Council. • Special Interdepartmental Task Force(s). 	<p>The Report/study was completed ahead of time when timeliness was an important consideration, and was of excellent quality leading to successful implementation. Minimal supervisory input required and generally limited to format issues. If the project is multi-year, it is significantly ahead of approved schedule.</p>	<p>Report/study was completed ahead of time when timeliness was critical, and was of superior quality leading to successful implementation. Some supervisory input required for both substantive and format issues. If the project is multi-year, it is ahead of approved schedule.</p>	<p>Report/study was completed on time and was of acceptable quality leading to successful implementation. Required regular review and input by supervisor. If the project is multi-year, it is on schedule.</p>	<p>Report/study was incomplete or not completed in a timely manner, even where timeliness was critical, causing delays in work of others; work was of a poor quality and required significant unplanned supervisory involvement prior to completion. If the project is multi-year, it is behind schedule.</p>	<p>Failed to complete the report/study or was of unacceptable quality and could not be implemented as completed. If the project is multiyear, it is behind schedule and will not be completed on time.</p>
	<p>Accomplished the project, planned or unplanned, under extraordinary circumstances.</p>	<p>Accomplished the project, planned or unplanned, under unusual circumstances.</p>	<p>Accomplished the project, planned or unplanned, as expected.</p>	<p>Project was not completed as planned.</p>	<p>Failed to complete project.</p>
	<p>Demonstrated exceptional creativity and initiative in the most critical elements to complete project or project phase.</p>	<p>Demonstrated creativity and initiative in some elements to complete project or project phase.</p>	<p>Although the project was satisfactorily completed, it did not require any significant creativity or require any exceptional initiative.</p>	<p>Should have exercised creativity and initiative to complete quality results on time.</p>	<p>Resisted advice on creative approaches and failed to take any initiative to complete project.</p>
	<p>The completed project, or phase, incorporated efficiencies, methods, designs that have a significant and wide ranging impact on cost or service delivery.</p>	<p>The completed project, or phase, incorporated efficiencies, methods, designs, that positively impacted cost or service delivery.</p>	<p>The completed project, or phase, did not incorporate any improvement in cost or service delivery beyond the improvements anticipated.</p>	<p>Project did not adequately address cost or service delivery issues.</p>	<p>Project had no impact, or adversely impacted cost or service delivery.</p>

PART III RATING MATRIX

Part III	Outstanding 95-100	Superior 85-94	Good 75-84	Needs Improvement 65-74	Unsatisfactory Below 65
Goals & Values	Demonstrates a complete understanding of, and personal and professional commitment to, Goals and Values.	Understands the importance of Goals and Values and incorporates Goals and Values in daily work routine.	Has accepted the general concept of Goals and Values and makes an effort to incorporate Goals and Values in approaches to work.	Must be frequently reminded to consider Goals and Values in assignments. Lacks an understanding of Goals and Values.	Disregards Goals and Values. Quality of work performed is adversely affected by refusal or reluctance to accept Goals and Values.
Customer Service	Always alert to customer service issues; develops and implements new methods/ procedures to improve customer service.	Takes the extra step to assure that customer service action plans are followed. Recognizes the identity of the customer and the customer's needs.	Customer service skills are solid; understands who the customer is and recognizes the importance of providing a high level of customer service.	Less than adequate customer service skills; Views customer's needs as secondary.	Poor customer service skills. Customers complain about level and quality of the manager's efforts.
Team Player	Makes an effort to share information with other managers on matters related to their activities; actively participates in interdepartmental committees/task forces, addressing Citywide issues. Makes an effort to work collaboratively with other departments and fosters a sense of team work.	Willingly shares information with other managers on matters related to their activities; willingly participates in interdepartmental committees/task forces/teams addressing Citywide issues; understands and supports the need for a seamless organization.	When requested, will share information with other managers; participates in some City-wide activities; understands and supports the need for interdepartmental cooperation.	Is slow to release to, or share information with, other managers; reluctantly participates on interdepartmental committees; displays a limited understanding in cross department concerns.	Reluctant to share information; regularly declines opportunities to participate on interdepartmental committees, even when participation would be beneficial; is not interested in cross department concerns.
Leadership	Leads by example and is highly respected within the sphere of influence; motivates others to achieve highest potential and avoids wasting scarce resources; often sought to lead projects and provide guidance outside the scope of responsibility; sets and achieves difficult goals for self and others.	Often provides a positive example for others; Understands but does not consistently use motivational skills, steps up in crisis or high profile situations; asked to assume leadership role on projects; sets high standards for self and others.	Provides a steady and positive influence; exhibits good coaching and managing skills; demonstrates impartiality, fairness and honesty; establishes challenging but realistic goals.	Reluctant to assume a leadership role, may discourage independent thinking among staff; avoids confronting conflict and may at times enhance conflict by failure to take action; goal setting is limited to routine tasks.	Rules by exerting position authority; bypassed by those seeking guidance or service; goal setting is unrealistic.

PART III RATING MATRIX (CONT.D)

Part III	Outstanding 95-100	Superior 85-94	Good 75-84	Needs Improvement 65-74	Unsatisfactory Below 65
Professional Growth/ Self Development	Constantly striving to identify and correct professional and personal weaknesses; has developed and actively pursues a self-development program; assists assigned staff to identify areas for improvement and reviews self development needs for future career growth, striking a proper balance between outside activities and work responsibilities.	Independently develops a self-development program, recognizes the need to balance outside activities with work responsibilities; maintains and updates level of technical knowledge and skills; encourages staff to improve skills levels.	Willingly participates in self-development activities as identified by supervisor.	Seldom makes an effort to improve professional and technical skills required of the job.	Resists suggestions for self-development activities; refuses to recognize the need for improvement.
Fiscal Awareness	Always aware of budget implications; very effective cost control actions; always provides notices and obtains approvals for expenditures as required; actively seeks revenue enhancement opportunities; insists on appropriate and effective use of equipment, facilities and materials.	Has a good sense of budget responsibilities; with few exceptions, provides required notices and/or requests appropriate expenditure approvals; takes advantage of revenue enhancement opportunities; monitors n appropriate and effect use of City property.	Has competent budget skills; will act on revenue enhancement opportunities that are identified; takes appropriate action when City property is being improperly used.	Needs a better understanding of budgetary methods and responsibilities; generally lacks sufficient understanding to take effective advantage of identified revenue enhancement opportunities; is not concerned with proper use of City property.	Has no awareness of budget issues, must be repeatedly taken step by step through the process; resists taking any action on revenue enhancement opportunities; participates in, or permits the improper use of City property.
Communication Skills	Written reports/ documents and oral presentations are of the highest quality and do not require substantive revision; facilitates communication up and down the organization.	Written materials and oral presentations are consistently of a high quality and but occasionally need revision in style as well as substance; communicates well up and down the organization.	Written materials and oral presentations are acceptable, but generally require supervisory input when making revisions to substantive matters. Adequate organizational communications.	Written materials require several revisions before release, both substantively and stylistically; oral presentations are minimally acceptable; frequently becomes the bottle-neck in organizational communications.	Written materials always require rewrite and significant supervisory assistance; cannot be relied upon to give oral presentations; resists facilitating organizational communications.

PART III RATING MATRIX (CONT.D)

Part III	Outstanding 95-100	Superior 85-94	Good 75-84	Needs Improvement 65-74	Unsatisfactory Below 65
Planning and Organizing	Proactively develops short and long range strategies to assure timely completion of assignments; always includes appropriate resources at proper steps in assignment completion; anticipates problems that can alter plans; responsibilities are always carried out in a smooth organized manner.	Frequently develops plans to assure timely completion of assignments; organizes and coordinates assignments to avoid delays and repetitious work by manager and others.	Generally develops plans to assure timely completion of assignments, although some assignments not completed on time due to inadequate planning or organizing; occasional scheduling conflicts arise that could have been avoided.	Infrequently develops effective plans and assignments are usually late due to lack of planning and/or organization; frequent conflicts in schedules.	Does not know how to plan and organize or refuses to do so; work is usually late as a result.
Initiative/Innovation	A self-starter who always completes work with little or no supervision; is constantly looking for new ideas and is an agent of change; new ideas are frequently of value; never afraid to take a well reasoned and calculated risk.	A self-starter who completes work with minimal supervisory input; open to developing and/or accepting new ideas and change; willing to take a risk in many situations.	Completes work with a minimum of supervisory involvement. Usually receptive to new ideas and accepts change with minimum encouragement; avoids risk.	Requires frequent intervention of supervisor; usually not receptive to new ideas; resists change.	Supervisor is required to be frequently involved to assure that work is satisfactorily completed; never receptive to new ideas; cannot cope with change.
Problem Solving	Anticipates need for key information to make decisions based on relevant facts; as needed, makes informed choices with limited information; utilizes foresight to make difficult decisions without undo delay; develops effective strategies and alternatives.	Occasionally anticipates problems and collects needed information in advance to make decisions; Decisions on important issues are correct; not afraid to act independently when a decision must be made. Develops alternatives.	Gathers facts when available before making key decisions; makes timely decisions with good judgment; solves problems as they arise; does not procrastinate on difficult decisions; weighs alternatives.	Occasionally bases key decisions on irrelevant information; does not always act timely; is generally able to define the symptoms but not the problem; procrastinates on difficult decisions; does not always evaluate alternatives.	Makes on-the-spot decisions without proper knowledge of facts or situations; delays decisions unnecessarily; does not handle routine problems independently; difficult decisions show poor judgment; does not identify alternatives.

PART III RATING MATRIX (CONT.D)

Part III	Outstanding 95-100	Superior 85-94	Good 75-84	Needs Improvement 65-74	Unsatisfactory Below 65
Staff Management	Assigned staff is well motivated and seeks to deliver the highest quality products and services; assigned staff regularly develops new methods and procedures designed to save money and improve efficiency and/or services; always delegates responsibility to assigned staff as appropriate; always completes annual and periodic performance reviews on time; provides a positive working environment for assigned staff.	Assigned staff functions well together and develops new methods to save money and improve efficiency; frequently delegates responsibility and invites staff input; infrequently misses the due date for periodic performance reviews; and is striving to create a positive work environment.	Assigned staff generally works well together, experiencing few, if any, problems; assigned staff will occasionally work together to develop new, more efficient methods of doing the work.	Frequent problems occur within the work group; assigned staff displays limited understanding of their role and how they fit into the overall picture; assigned staff infrequently develops new money saving or efficiency enhancing ideas.	Serious problems exist within the work group; the work group, including the manager, do not understand goals and objectives of their area.