

**CITY OF REDLANDS**

**PERSONNEL RULES AND REGULATIONS**

**SEPTEMBER, 2021**

**Adopted by Resolution of the City Council on: September 21, 2021**

It is the purpose of these policies to establish a uniform and equitable system of personnel administration for employees of the City of Redlands. Their provisions do not establish terms and shall not be construed as contractual provisions. They are not intended to be all-inclusive, interfere with MOU's or to cover every situation that may arise. If a departmental standard operating procedure (SOP) is ever in conflict with the Personnel Rules and Regulations, the Personnel Rules and Regulations will apply. These policies may be amended at any time and will supersede all previous personnel policies. Revisions and amendments shall become effective upon approval by the City Council.

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## **I. INTRODUCTION**

### **A. ADOPTION OF PERSONNEL SYSTEM**

In order to establish a uniform procedure for dealing with personnel matters, the personnel system set forth in these Rules and Regulations (hereinafter "Rules") is hereby adopted. These Rules supersede any prior rules and regulations and may be changed only upon approval of the City Council.

Where an applicable Memorandum of Understanding between the City and a recognized employee organization contains provisions that are inconsistent with those contained in these Rules, the language contained in the Memorandum of Understanding will govern. In the event of an emergency, any part or all of these Rules and Regulations may be suspended by order of the City Manager and such suspension shall remain in effect until the City Manager's order is withdrawn.

### **B. EQUAL OPPORTUNITY EMPLOYMENT**

This Equal Employment Opportunity policy applies to all applicants, volunteers, and employees without exception. The City will not discriminate against qualified employees or applicants for employment on the basis of actual or perceived age, color, disability, ethnicity, family or marital status, gender identity or expression, language, national origin, physical and mental ability, political affiliation, race, religion, sexual orientation, socio-economic status, veteran status, or any other basis protected by law, or on the basis of a perception that an individual is associated with a person who has, or is perceived to have, any of these characteristics. The City will afford equal employment opportunity to all qualified applicants or employees with respect to compensation and all terms and conditions of employment, including hiring, training, promotion, transfer, discipline, and termination.

Employees who believe they have been subjected to any kind of discrimination that conflicts with the City's policy should report this experience immediately to their supervisor or the Office of Human Resources. The City will promptly investigate the report under the Complaint Procedure for Discrimination, Harassment and Retaliation at Rule VI.E., of these Rules. Any employee found to have exhibited any inappropriate conduct or behavior against others may be subject to disciplinary action.

### **C. APPLICABILITY OF RULES**

The provisions of these Rules shall apply to all offices, positions and employees in the competitive service of the City, except as otherwise indicated within a specific provision of these Rules.

With the exception of the City's EEO policy at Rule I.B., Complaint Procedure at Rule VI.E., Reasonable Accommodation Policy at Rule VI.H., or as otherwise stated, these Rules do not apply to the following offices and positions outside the competitive service:

- Elected Officers
- Members of appointed boards, commissions and committees;
- Persons engaged under contract to supply expert, professional, or technical services for a definite period of time;
- Volunteer personnel;
- City Manager;
- City Attorney;
- Department Directors

- Part Time Employees
- Hourly Employees

#### **D. DEFINITION OF TERMS**

Words and terms used in these Rules and in any ordinance or resolution dealing with these Rules and any other personnel policies or procedures are defined in the Rule to which they apply or as follows:

- "Actual hours worked" means all hours in which the employee actually performed work and does not include any paid or unpaid leave time (excluding jury duty), including but not limited to vacation and sick leave.
- "Advancement" means a salary increase within the limits of the pay range established for classifications provided by resolution.
- "Appointing Authority" means: the City Manager or the City Manager's designee.
- "Appointment" means the employment of a person in a position.
- "At-will employee" means an employee that can be dismissed without just cause and without warning.
- "Base salary" means the salary range and step established in the Compensation Plan, exclusive of any overtime, shift-differential, incentive or other excludable pay an employee may receive.
- "Classification" means a group of positions substantially similar in duties, authority, responsibilities, and minimum qualifications for employment to permit combining them under a single title and the application of common standards of selection and compensation.
- "Classification plan" means the designation by resolution of the City Council of a title for each classification together with the specifications for each classification as prepared and maintained by the Office of Human Resources.
- "Compensatory time off" means paid time off from work in lieu of overtime pay.
- "Competitive service" means employment in all positions in the City service except those specifically excluded by the Rules.
- "Day" means calendar day unless otherwise noted.
- "Demotion" means the voluntary or involuntary reduction of an employee from a position in one classification to a position in a lower classification.
- "Discharge" means the involuntary separation of an employee from the City service.
- "Eligibility list" means a list of names of persons who have successfully completed the examination process for a position in the competitive service, pursuant to Rule II (Classification Plan and Selection Process).
- "FLSA" stands for the Fair Labor Standards Act.
- "FLSA-exempt" refers to all employees who meet one or more of the duties test exemptions from overtime under the FLSA (e.g. executive, administrative, professional) and who is paid on a salary basis, as defined below.
- "Full-time position" means employment in which the employee normally works at least forty (40) hours per week. Employees working less than forty (40) hours per week in a job share of a full-time position will receive pro-rated benefits.
- "Hourly basis" means compensation paid according to the number of hours that employee actually works.

- "Hourly position" means employment in which the employee normally works less than 40 hours per week or no more than one thousand (1,000) hours per fiscal year.
- "Interim Appointment" means the appointment of an employee or individual to a classification in the City service on an interim basis.
- "Lay-off" means the termination of an employee from City service for reasons of economy, efficiency or other non-disciplinary reason, pursuant to Rule IV.D. (Lay-Offs) of these Rules.
- "Limited-Term Employee" means an employee that is not part of any bargaining unit, has a limited appointment, and is an at-will employee. All limited term employees must have City Council approval before being hired. Limited-Term employees may or may not be listed on the salary resolution. Limited-term employees are not guaranteed benefits, but benefits may be awarded on a case-by-case basis. Limited term employees should only be hired for short-term (less than 2 years) project-based work.
- "Merit salary increase" means the performance-based advancement of an employee's salary to a higher salary level within the established salary range for the employee's classification.
- "Non-exempt" refers to employees who are entitled to FLSA overtime, regardless of whether paid on a salary or hourly basis. Non-exempt does not include employees performing exempt duties on a primary basis under a temporary or acting appointment to an exempt-designated position.
- "Overtime" means all actual hours worked by a non-exempt employee in excess of forty (40) hours in the employee's designated workweek, except as otherwise designated by an applicable MOU, or as otherwise designated for employees on a flexible work schedule, or as designated under the FLSA.
- "Position" means a combination of duties and responsibilities assigned to a single employee and performed on either a full-time or part-time basis.
- "Probationary appointment" means employment for a working test period that is part of the selection process, during which a new or promoted employee is required to demonstrate satisfactory or better performance of the position's duties.
- "Promotional appointment" means the advancement of an employee from a position in one classification to a position in a higher classification.
- "Reclassification" means the reassignment of a position to another classification due to the material change of the job duties of a position, pursuant to Rule II.A. (Classification Plan) of these Rules.
- "Regular appointment" means the employment of a person in an authorized full-time position following successful completion of a probationary period in a full-time authorized position.
- "Rejection" means the discharge from the competitive service of an employee who has not successfully completed the initial probationary period.
- "Reinstatement" means the reappointment of an employee to a position in the same or a comparable classification within twelve (12) months of his/her separation in "good standing" pursuant to Rule IV.G. (Reinstatement) of these Rules.
- "Resignation" means the voluntary separation of an employee from the City service.
- "Safety sensitive" means a position or duty of a position that the City has designated as "safety sensitive" for purposes of implementing its Drug and Alcohol policy at Rule VI.H. of these Rules.

- "Salary basis" means compensation in a predetermined amount that is not reduced, regardless of the quality or quantity of work actually performed, except as required by the City's principles of public accountability for partial-day absences, or as otherwise set forth by FLSA.
- "Salary evaluation date" means the date on which a probationary or regular employee's performance is evaluated and the date upon which the employee is eligible, on the basis of job performance for a prescribed period, for a merit salary increase within the established salary range.
- "Seniority" means the employee's number of continuous years in competitive service from the employee's service anniversary date. Seniority in classification means the number of continuous years of service in the present or higher classification.
- "Separation" means the voluntary or involuntary termination of employment from City service.
- "Service anniversary date" means the original date of hire as a full-time employee for purposes of accruing benefits and determining years of service with the City.
- "Supervisor" may include coordinator, supervisor, manager, or director.
- "Suspension" means the temporary separation without pay of an employee from the competitive service for disciplinary purposes.
- "Temporary appointment" means an appointment to a regular position for a period of no more than six (6) months, unless extended, in writing, by the City Manager.
- "Transfer" means the reassignment of an employee from one position to another position in the same classification or another classification having the same maximum salary range, involving the performance of basically similar duties, and requiring substantially the same minimum qualifications.
- "Workweek" means, for purposes of overtime determination, a consecutive, seven-day period that begins at 12:00 a.m. on Monday and ends at 11:59 p.m. on Sunday, except as otherwise designated by an applicable MOU, or as otherwise designated for employees on a flexible work schedule, or as designated under the FLSA for safety employees. For employees working a 9/80 work schedule, their designated FLSA work week (168 hours in length) shall begin exactly four hours after the start time of the employee's eight hour shift on the day of the week that corresponds with the employee's alternating regular day off.
- "Y-Rated" means the employee's existing salary is frozen until adjustments to the employee's salary causes it to fall within the new salary range.

## **E. ASSISTANT CITY MANAGER**

The City Manager shall appoint the Assistant City Manager. The City Manager may delegate to the Assistant City Manager any of the powers and duties conferred upon him/her under these or other City rules, regulations, resolutions or ordinances. The Assistant City Manager, or his/her designee, shall be responsible for administration of these Personnel Rules.

## **II. CLASSIFICATION PLAN AND SELECTION PROCESS**

### **A. CLASSIFICATION PLAN**

#### **1. Implementation of the Classification Plan**

The Office of Human Resources, after consultation with directors of affected departments shall recommend a classification plan for all classifications in the competitive service that includes but is not limited to the following for each classification:

- a. the classification title;
- b. a description of typical duties and responsibilities;
- c. the functions of the classification;
- d. a statement of the desirable training, experience and other qualifications of applicants for the classification; and
- e. whether the classification or any of its duties are safety-sensitive.

The Office of Human Resources shall ensure that all positions within the same classification are substantially similar with respect to duties, authority, character of work, and schedules of compensation.

## **2. Periodic Updates**

From time to time, and not less than once every two years, the Office of Human Resources will review the classification plan to ensure that it is accurate and make amendments to reclassify or add positions or classifications or to make other changes as necessary or appropriate.

## **3. Adoption by City Council**

The classification plan or any amendment thereto, will become effective only upon adoption by resolution of the City Council. Upon adoption the classification plan or any amendment will take immediate effect.

## **4. Assignment of classifications to bargaining units.**

Assignment of classifications to employee units of representation will be at the sole discretion of the City Manager and in accordance with the Employer-Employee Relations Resolution.

## **B. NEW POSITIONS AND VACANCIES**

New positions and permanent vacancies of regular positions in the competitive service may be filled by internal recruitments, appointments, interim appointments, promotions, reinstatement, transfer, demotion, or from an eligibility or promotional list, as deemed appropriate within the discretion of the Office of Human Resources.

## **C. JOB ANNOUNCEMENTS**

Positions to be filled in the competitive service will be publicized electronically on the City Website. The position may be advertised on additional sites and publications as deemed appropriate by the Office of Human Resources and the Department Director. When distribution of a job announcement would detrimentally delay the filling of a position the City, in its sole discretion, may instead opt to fill the position temporarily from immediately available sources. In the event a job announcement is distributed, it will specify the following:

- Title and pay range of the classification for which the examination is announced;
- Nature of the work performed
- Desired skills and experience;
- Dates, time, place and manner of taking applications;
- Closing date for receiving applications;

- Minimum requirements for the position; and
- Other pertinent information in the discretion of the City.

#### **D. APPLICATIONS**

Applications are accepted electronically through an online applicant tracking system.

#### **E. DISQUALIFICATION**

The Office of Human Resources may reject any application for a position in the competitive service for reasons including, but not limited to, the following:

- The applicant did not properly complete the application;
- The application indicates on its face that the applicant does not possess the minimum qualifications for the position;
- The applicant is unable to perform the essential functions of the position sought, with or without reasonable accommodations;
- The applicant is currently using illegal drugs;
- The applicant has been convicted of a crime that may have an adverse impact on the applicant's ability to perform the job for which the applicant is applying;
- The applicant is not legally permitted to work within the United States;
- The applicant has made false statement of any material fact or practiced or attempted to practice deception or fraud in making application for employment; or
- For any material cause which in the judgment of the Assistant City Manager or his/her designee would render the applicant unsuitable for the position, including a prior resignation from City service, termination from City service, or significant disciplinary action.

The Office of Human Resources will notify candidates of the status of their application.

#### **F. SUBJECT AND METHODS OF RECRUITMENT AND SELECTION**

The Office of Human Resources, in consultation with the Department Director, will determine the process, manner, methods, applicant pool, and examinations that shall be given for all recruitments. All examinations and background checks will be job-related and consistent with a business necessity. Examinations shall be competitive and may consist of written tests, oral tests, performance tests, evaluations of prior training and performance, experience and education, interviews, style assessments, file review, or any combination thereof.

All positions require a background check. In the case of employees handling money or other valuables in the course of their duties, a credit check may be done in accordance with the provisions of Government Code Section 3308 and/or Labor Code Section 1024.5.

#### **G. QUALIFYING GRADE AND RATING EXAMINATIONS**

In all examinations the minimum grade or standing for which eligibility may be earned shall be based upon all factors in the examination, including educational requirements, experience, and other qualifying elements as shown in the application of the candidate or other verified information. Failure

in one part of the examination may be grounds for declaring the applicant as failing in the entire examination, or as disqualified for subsequent parts of an examination.

## **H. ELIGIBILITY LISTS**

Eligibility lists will be established and certified by the Office of Human Resources or his/her designee following all applicable examinations. The eligibility list will consist of names of applicants with composite scores of at least 70 percent.

When a vacancy exists for a position that has a current eligibility list, the Office of Human Resources will forward the eligible candidates to the hiring manager for consideration. Eligibility lists shall be valid and in effect for a period of one year. An eligibility list may be extended upon the recommendation of the Department Director and by action of the Office of Human Resources for additional six month periods, but in no event shall a list remain in effect for more than two years.

Office of Human Resources may declare a list invalid and announce a new recruitment and examination period. In the alternative, the Office of Human Resources may make a temporary appointment until eligible candidates can be certified after appropriate examination.

## **I. REMOVAL OF NAMES FROM ELIGIBILITY LIST**

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

- If an eligible candidate requests orally or in writing that his/her name be removed;
- If an eligible candidate fails to accept an offer of employment within ten (10) calendar days following the forwarding of such offer;
- If an eligible candidate on a promotional list resigns from the service;
- If an eligible candidate is physically or mentally unable to perform the essential functions of the job, with or without reasonable accommodation;
- If a person on the eligibility list leaves no forwarding address; or
- Other lawful reasons.

## **J. NOTIFICATION OF RESULTS**

Every applicant taking part in the examination process shall be given written notice of their results. Any claim of error in rating or grading, must be submitted to the Office of Human Resources no later than ten (10) days after the date of notification, to be considered for correction. Applicants shall be provided timely access to all information reasonably necessary to determine if an error in rating or grading has occurred.

## **K. NEPOTISM AND FRATERNIZATION POLICY**

The purpose of this policy is to establish the nepotism and fraternization policy for the City of Redlands. This policy is intended to avoid conflicts of interest between work-related and personal/family obligations; reduce favoritism or even the appearance of favoritism; prevent personal/family conflicts from affecting the workplace; and decrease the likelihood of sexual harassment and/or gender discrimination in the workplace and promote safety, security, effective supervision and morale.

The following definitions apply under this policy.

- (a) A "romantic and/or sexual relationship" exists when two City employees become personally involved with each other to the point that there is dating, exchange of personal affection, sexual or physical intimacy and/or cohabitation.

- (b) "Dating" exists when two City employees engage in one or more social meetings under circumstances that may lead to exchange of personal affection, and sexual or physical intimacy.
- (c) "Cohabitation" applies to those employees who live together in a romantic relationship without being married to one another.
- (d) A "significant other" means an individual in a relationship between an employee of the City and another individual as defined herein in (a), (b), (c) and/or (d) and elsewhere in this policy.

## 1. Fraternization

- **Romantic Relationships Between Supervisors and Subordinate Employees Are Prohibited.**  
Public trust, safety and City morale require that employees avoid the appearance of a conflict between their professional responsibilities and any involvement that they may have in a romantic or sexual relationship with other City employees. In order to promote efficient operation of the City and to avoid misunderstandings, complaints of favoritism, other problems of supervision, security, morale, and possible claims of sexual harassment and/or gender based discrimination, romantic and/or sexual relations between supervisors and subordinate employees are prohibited unless specifically permitted under this policy.
- **Romantic Relationships Between Co-Employees**  
Romantic and/or sexual relationships between co-employees may be prohibited should the City Manager or his/her designee determine that the circumstances potentially create an adverse impact on supervision, safety, security, or morale, or a conflict of interest.

## 2. Enforcement

The City reserves the right to investigate situations in the workplace to determine whether a romantic and/or sexual relationship exists and therefore presents a possible violation of this policy. If the City determines that a proscribed relationship (as defined by this policy) exists, remedial and/or disciplinary measures, including but not limited to a transfer, reassignment, or dismissal, shall be utilized to mitigate issues that arise relevant to the enforcement of this policy.

The City retains the right to refuse to place employees engaged in relationships prohibited by this policy in the same department where the City has determined that the circumstances potentially create an adverse impact on supervision, safety, security, morale or conflict of interest.

In order to implement such policies, and where the above circumstances exist and mandate that employees shall not work in a prohibited relationship, the City will attempt to transfer one party in the proscribed relationship to a similar classified position in another City Department, should such a position exist, be available, and should the employee possess the skills and



qualifications necessary to perform the essential duties of the position. Although the wishes of the involved parties as to which individual will be transferred will be given consideration by the City, the controlling factor in determining who is to be transferred shall be the positive operation and efficiency of the City. If any such transfer results in a reduction in salary or compensation, applicable due process procedures shall be applied.

In lieu of a transfer from one department to another, or in situations where no similar counterpart classification exists to which an employee in a proscribed relationship can be transferred, that employee may continue to be employed within the same City department subject to approval by the Department Director and the City Manager or his/her designee. However, any such continuing employment is predicated upon both subject employees not reporting to the same immediate supervisor; not being supervised by each other; not working the same shift at the same work site; or, otherwise becoming involved in a work environment that potentially creates an adverse impact on supervision, safety, security or morale or a conflict of interest.

If continuing employment of employees in a relationship prohibited by this policy cannot be accommodated consistent with the City's interest in promotion of safety, security, morale and efficiency, then the City retains sole discretion to separate one of the parties from City employment. Absent resignation by one affected employee, the less senior, in terms of overall City service, of the involved employees shall be subject to separation. In the event of separation, applicable due process procedures shall be applied.

The provisions of this fraternization policy are not applicable to individuals married and employed by the City on or before the effective date of the initial adoption of this policy in their current state of marriage. As such, a change in marital status/cohabitation, etc. of any current employee, will result in the applicability of this policy. Furthermore, those employees are subject to any and all employment-related actions by the City, that are permissible pursuant to existing City policies and procedures to address conduct that is negatively impacting the work environment.

### **3. Nepotism**

The City regulates the employment of relatives as that term is defined herein, so as to avoid potential conflicts of interest and to promote safety, security, efficiency and morale. The purpose of this section is to define those specific circumstances and to delineate the manner in which such employment issues will be addressed.

For purposes of this policy, "relative" means spouse, domestic partner, child, step-child, parent, step-parent, grandparent, grandchild, brother, sister, step-brother, step-sister, aunt, uncle, niece, nephew, in-laws of those enumerated by marriage or domestic partnership, legal guardian, significant other as defined herein, and/or any other individual related by blood or marriage living in the same household as the City employee.

An employee is defined as any person who receives a City payroll check for services, full or part time, rendered by the City of Redlands.

As of the effective date of the initial adoption of this policy, City employees who are relatives (as defined herein) shall not be affected in their current position except when the City Manager or his/her designee in consultation with the Department Director determines that the circumstances potentially create an adverse impact on supervision, safety, security or morale or a conflict of interest.

A business purpose exists and dictates that a prohibition on employment of relatives within City departments is essential to safety and efficiency when such employment results in any of the following:

- a supervisor-subordinate relationship;
- employment of relatives in the same department;
- the employees having job duties, which authorize performance of shared duties on the same or related work assignment;
- both employees being under the jurisdiction of the same immediate supervisor; or
- an adverse impact on supervision, safety, security, morale, or a conflict of interest.

#### **4. Effect of Post-Employment Marriage or Creation of Other “Relative” Status**

In determining rules and regulations governing the employment of City employees who become relatives, as defined herein, after commencement of City employment, the City is guided by the principles enunciated in the California Fair Employment and Housing Act (FEHA) which prohibits discrimination on the grounds of marital status. However, FEHA and its Regulations defining the same authorize restrictions being placed upon married City employees (or upon people deemed related as a result of marriage [i.e., in-laws]) where for business reasons of supervision, safety, security or morale, the employer may refuse to place one spouse or other relative under the direct supervision of another spouse or other relative and refuse to place both spouses or other relatives in the same department, division or facility if the work involves potential conflicts of interest or other hazards greater for married couples or other relatives than for other persons. (Cal. Code Reg., tit. 2, section 11057 Government Code section 12940(a)(3)).

Recognizing the principles stated above, the City determines that “marital status” is defined as an individual’s state of marriage, non-marriage, divorce or dissolution, separation, widowhood, annulment, or other marital state for purpose of this policy. Further, a “spouse” is defined as a partner in marriage.

The City retains the right to refuse to place one spouse or other relative under the direct supervision of the other spouse where the City determines that there is a potential to create adverse impact on supervision, safety, security, morale, or a conflict of interest.

The City retains the right to refuse to place spouses or other relatives in the same department where doing so has the potential for creating adverse impact on supervision, safety, security, morale or involves potential conflicts of interest. In order to implement these policies, and where the above circumstances exist and mandate that two spouses or other relatives shall not work in a prohibited relationship, the City will attempt to do any of the following: attempt to redefine the job responsibilities of the related employees within the Department to minimize the conflict, if the redefinition of job status is not feasible, attempt to transfer one spouse or other relative to a similar classified position in another City department. Although the wishes of the involved parties as to which spouse or other relative is to be transferred will be given consideration by the City, the controlling factor in determining who is to be transferred shall be the positive and efficient operation of the City. If any such transfer results in a reduction in salary or compensation, the transfer shall not be considered disciplinary in nature and shall not be the subject of any form of administrative appeal.

In lieu of a transfer from one department to another, or in situations where no similar counterpart classification exists to which a spouse or other relative can be transferred, the City may request the voluntary resignation of one of the employees and if one of the employees does not voluntarily resign, the employee with the least employment experience/service with the City may be discharged by the City Manager. Married or other related employees may continue to be employed within the same City department subject to approval by the Department Director and the City Manager or his/her designee. However, any such continuing employment is predicated upon both spouses or other similarly situated relative as defined in this policy not reporting to the same immediate supervisor, not being supervised by each other, not working the same shift at the same work site; or, otherwise becoming involved in a work environment that has the potential for adverse impact on supervision, safety, security, morale, or a conflict of interest.

It is the duty of all involved employees who are in a situation prohibited under this policy to immediately notify their supervisor either in person or through the chain of command that a situation exists in which the involved employee may be in violation of this policy. The City reserves the right to reasonably investigate the situation and determine whether the employee has violated this policy.

### **III. APPOINTMENTS**

#### **A.OFFERS OF APPOINTMENT**

The City Manager or his/her designee shall effect an appointment by extending a conditional offer of appointment to an applicant. If the applicant accepts the offer of appointment, the appointment shall be deemed completed, subject to a medical examination as set out in Rule III.B. If the applicant does not accept the offer of appointment within the time period designated by the Office of Human Resources, the offer will expire and the offer of appointment shall be deemed to have been declined by applicant.

## **B. PRE-EMPLOYMENT MEDICAL EXAMINATIONS**

All offers for appointment to a position in the competitive service will be contingent upon the appointee passing a medical and/or psychological examination and testing to determine whether the appointee can perform the essential functions of the job, with or without reasonable accommodation. Such pre-employment medical examinations shall also include an illegal drug screening. If the examination reveals that the appointee cannot perform the essential functions of the job, with or without reasonable accommodations, or that the person uses illegal drugs, the person may be disqualified from consideration for employment.

## **C. PROBATIONARY APPOINTMENTS**

All original and promotional appointments shall be tentative and subject to successful completion of a probationary period of not less than one year of actual and continuous service. The probationary period for safety employees (sworn police and fire personnel) shall not be less than one year of actual and continuous service after completion of safety academy training. The probationary period will be automatically extended for all approved unpaid leaves of absence of thirty (30) days or more taken during the period for the time equivalent to the length of the leave of absence. The probationary period may be extended for time periods in which an employee is placed on modified or light duty. The probationary period shall be part of the testing process and shall be utilized for observing the employee's work. Probationary employees are at-will employees who do not have property or vested rights in their positions with the City.

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

Only if the service of the probationary employee has been satisfactory to the Department Director, the appointing authority, prior to expiration of the probationary period, shall submit a satisfactory performance evaluation to the Office of Human Resources. Upon consultation with the Office of Human Resources, the Department Director, may also opt to extend an employee's probationary period by a maximum period of six (6) months past the end of the initial probationary period. The Department Director recommending an extension must file his/her recommendation in writing with the Office of Human Resources prior to expiration of the probationary period. The Department Director will notify an employee of either recommendation prior to the expiration of his/her probationary period.

An employee shall be granted permanent status unless he/she is notified in writing of an extension of probation or rejection prior to the end of probation.

## **D. REGULAR APPOINTMENTS**

Following successful completion of a probationary period in a full-time authorized position, an employee shall be classified as a regular appointee.

## **E. TEMPORARY APPOINTMENTS**

When the service demands of the City are such that an open competitive recruitment process is not practical and/or in the absence of an eligibility list, the appointing authority may make a temporary appointment. All temporary appointments are subject to the following requirements:

- Any person appointed to temporary status must meet the minimum qualifications for the position to which he/she is being appointed.
- No temporary appointment may exceed a period of 960 hours.
- Temporary appointees will be compensated at the hourly equivalent of the salary range assigned to a regular employee in the same classification. Temporary employees who are regular City employees at the time of temporary appointment continue to accrue leave time and any additional benefits in accordance with their regular assignment. However, temporary appointees who are new City employees at the time of temporary appointment will not accrue leave time or any additional benefits except those required by law, i.e. workers' compensation and Social Security, and are also not eligible for salary increases.
- Prior to being appointed to regular status, a temporary appointee shall successfully complete the competitive recruitment process, if any.

## **F. INTERIM APPOINTMENTS**

Whenever the needs of the City require, due to the vacancy or extended illness of a member of the management or director group, or other extenuating circumstances, the Office of Human Resources may appoint on an interim basis, a regular employee from the lower classification to perform the duties of the vacant higher position. The affected Department Director shall indicate in writing to the Office of Human Resources the need for the interim appointment and any recommended employee(s) to serve in the appointment.

An employee appointed to an interim assignment does not have due process rights. The City Manager, in his/her sole discretion may terminate the assignment at any time without any due process.

To be eligible for an interim appointment, the appointee must possess the minimum qualifications of the higher classification in the judgment of the Office of Human Resources and as recommended by the affected Department Director.

The employee assigned to perform the duties of a higher classification, shall not serve for more than 960 hours in a higher classification that is vacant without the position subject to the announcement and selection process set forth in Rule II.

If the person is subsequently promoted from interim capacity into the same position in a regular capacity, the period of time of service in the interim capacity may be credited to the required period of probation for regular appointment.

## **G. PROMOTIONAL APPOINTMENTS**

Promotional appointees are subject to the same application and probationary employment requirements as all other regular applicants. In the event that a promotional appointee does not pass probation, the Office of Human Resources, in consultation with the Department Director, may return the employee to his/her previous position or another position in the same classification or lower classification for which he/she is qualified. Reinstatement to another position is not guaranteed. The employee does not have property interest in the previous position and waives the right to be reinstated upon acceptance of a promotional appointment. The employee shall not serve a new probationary period in a lower classification.

The effective date of a promotional appointment shall determine the employee's new performance evaluation date. Promoted employees shall be evaluated after six (6) months service and shall be evaluated annually thereafter.

## **H. EMERGENCY APPOINTMENTS**

To meet the immediate requirement of an emergency condition, such as major fire, flood, earthquake, or other public calamity that threatens public life or property, a Department Director, in consultation with the Office of Human Resources, may employ such persons as may be needed for the duration of the emergency without regard to the personnel ordinance, these Rules, or other rules and regulation affecting appointments. As soon as possible, such appointments shall be reported to the City Manager. Such employees serve at the will of the City Manager and may be dismissed without cause and without any right of appeal, grievance or hearing.

## **I. LIMITED-TERM APPOINTMENTS**

To meet the immediate emergency need or the immediate project-based staffing need, Department Directors may request to fill a limited-term appointment. Upon approval of the Human Resources Director and the City Manager, the requesting Department Director should request permission to fill a limited-term appointment through City Council action. Limited-term appointments should be allowed for no more than two years. Approval to hire and recruit a limited-term employees is provided through Council action and limited-term employees may or may not be listed on the Salary Resolution.

Limited-term employees are at-will employee and are not subject to the personnel rules and regulations and are not a member of recognized City bargaining group. Benefit eligibility will be determined by the number of hours per week that the limited-term employee works and any benefit-eligible, limited term employee will be notified of their eligibility of benefits in writing at the time of hire. Limited-term employee's employment can be ended without reason or notice at any time.

# **IV. CHANGES TO POSITIONS**

## **A. TRANSFERS**

An employee must be in his or her position for a minimum of 6 months before he or she may request a transfer. A transfer means the reassignment of an employee from one position to another position in the same classification or another classification having the same salary range, involving the performance of basically the same or similar duties, and requiring substantially the same minimum qualifications. The employee must make a written request to the Department Director for consideration and the position to which the transfer is requested must be vacant. The employee's current Department Director may deny the transfer request in his/her sole discretion. A transfer may be granted only on the approval of any affected Department Director, in consultation with the Office of Human Resources.

If an employee voluntarily transfers to another position in the same or comparable classification and is not successful, the Office of Human Resources, in consultation with the affected Department Director, may return the employee to his/her former position. There is no guarantee of placement back into the

previous position or to another position. The employee does not have property interest in the previous position and waives the right to be reinstated upon acceptance of a transfer.

The employee's salary evaluation date shall remain the same as it was before the transfer.

Based on the needs of each department, the City reserves the right to transfer employees to other positions in the same classification or comparable classification to maintain efficient and productive workflows.

## **B. RECLASSIFICATION**

Should the Office of Human Resources determine that the job duties of a position in the competitive service have materially changed at the direction of the City, and not because the employee voluntarily assumed or declined duties, the Office of Human Resources, in its discretion, may reassign the position to another classification.

Upon receipt of the request for reclassification, the Office of Human Resources will review the request and determine if a classification study is warranted. The following criteria are generally applied in determining whether or not reclassification is warranted:

- Clear evidence of working out of classification on a full time basis for a minimum of nine months;
- The change in duties performed or the knowledge, skills, and abilities required must be clearly above the highest level required in the employee's current classification;
- The change in duties must not be temporary or transitional;
- The Department Director or designee must have assigned the change in duties;
- The employee must meet the minimum qualifications of the higher level position including any required licenses/certificates, experience, and educational requirements;
- An assignment of additional duties that are similar in scope to those duties already within the classification would not constitute a reclassification;
- Workload issues are not indicative of a reclassification;
- The personal qualities or performance of an employee occupying a position shall not be a criterion for reclassification.

In the case of an upward reclassification, an employee may be reclassified without competitive exam if the Office of Human Resources determines that the employee has met the minimum qualifications of the new classification and has performed the duties of the reclassified position for a minimum period of nine (9) months and is expected to continue performing the duties. The employee shall be placed at the closest step within the new salary range that would provide a minimum of a 5% increase. Reclassification shall not be used for the purpose of avoiding the competitive selection processes. Employees may submit a request for reclassification no more than once a year.

The employee's salary evaluation date shall not change and there will be no new probationary period as a result of a reclassification.

### **C. DEMOTIONS**

An employee may be involuntarily demoted for cause pursuant to the Disciplinary Action policy or for organizational reasons, pursuant to Layoffs. Employees may seek voluntary demotion through the competitive selection process.

A demoted employee shall be required to serve a probationary period in the lower classification unless the lower classification is in the same job series or the employee previously completed probation in the lower classification. The salary of a demoted employee may not exceed the maximum salary of the new classification. In the event the demoted employee does not pass probation, the employee will be terminated from employment.

The effective date of a demotion shall establish a new salary evaluation date.

### **D. LAY-OFFS**

Should the City Manager determine reductions in force to be necessary due to lack of work or for financial reasons, he/she may initiate lay-offs. In determining the order of lay-offs, a combination of factors shall be considered, including, but not limited to: qualifications, productivity, general performance, seniority with the City of Redlands and needs of the City. Variations from the order of lay-offs and recall from lay-off may occur when the City deems such variations appropriate under the circumstances.

The factors the City, in its discretion, may use to determine the order of layoff include, but are not limited to, the following:

- An employee's last four performance evaluations, if any;
- Any history of employee commendations, awards, etc.;
- Any history of employee disciplinary action;
- Attendance record, including tardiness and unexcused absences;
- Safety record, including personal injury and damage to city property;
- Probationary and temporary employees shall be laid off before a regular employee in the same classification;
- Between two regular appointees in the same classification with the same skills, abilities, qualifications, merit and/or record, the employee with lesser seniority may be laid off first;
- Between two regular appointees in the same classification, the employee with lesser skills, abilities, qualifications, merit and/or record may be laid off first, without regard to seniority;
- Memoranda of Understanding between the City and effected bargaining units.

### **E. BUMPING**

Bumping means the displacement of an employee from his/her position by an employee in a higher classification who formerly held the same position, or a position in the same job family.



A laid off employee shall be entitled to bump an employee in the same position previously held by the laid off employee, or a position in the same job family, in accordance with the criteria specified in Section D – Lay-offs. The laid off employee must be able to perform the essential job functions of the former position and possess the minimum qualifications of the position as specified in the job classification specification.

The City will notify laid off employees of any positions available for bumping. Following such notifications, the employee must notify the Office of Human Resources in writing of his/her intent to exercise the bumping rights within seven (7) calendar days, and the position and classification in to which he/she intends to bump. Failure to provide such notification will be deemed a waiver of bumping rights by the employee.

Where there is more than one employee in a position available for bumping, the factors in Section D – Lay-offs, or the conditions set forth in a council approved Memorandum of Understanding, will be used to determine which employee, if any will be bumped.

Any displaced employee shall be considered laid off for the same reason as the person who displaced them and shall in the same manner be eligible to displace another employee based on the criteria specific in Section D – Lay-offs.

## **F. SEPARATIONS**

All employees who separate from the City, that is, whose employment with the City terminated through separation for cause, layoff, resignation, or retirement must:

- Return all City property to Human Resources, immediate supervisor, or department designee prior to receiving the final paycheck;
- Clear any existing financial obligations to the City;

In addition, employees who resign or retire must also adhere to the following procedures before they will be deemed to have terminated in good standing:

- Submit a written notification stating your intent to terminate, and the proposed effective date to your immediate supervisor or the Office of Human Resources;
- Provide a minimum notice of two weeks. The City encourages employees who become aware of their pending termination from the City to let the Office of Human Resources know as far in advance as possible. Once the City has accepted the resignation, it is irrevocable.

## **G. REINSTATEMENT**

At the recommendation of the Department Director, and with the approval of the Office of Human Resources, employees who resigned, retired, or were laid off and were in good standing at the time of separation, may be reinstated within twelve (12) months to their former position, if vacant, or to a

vacant position in the same classification without being subject to the application and selection process.

A reinstated employee shall serve a probationary period, unless otherwise approved by the City Manager. An individual requesting reinstatement shall be required to pass a medical and/or psychological examination and any other qualifying tests or procedures as in the case of a new employee. If reinstated, credit may be granted for prior service in terms of benefit accrual rates and seniority in the discretion of the Office of Human Resources and the Department Director; provided, however, that employees reinstated after layoff shall receive credit for prior service with the City.

## **V. COMPENSATION**

### **A. COMPENSATION PLAN**

#### **1. Compensation Principles**

The City of Redlands is committed to maintaining fiscal integrity and high standards of accountability to the public in the expenditure of funds provided by taxpayers. Accordingly, the City establishes its compensation system in accordance with the principles of public accountability.

#### **2. Compensation Plan**

The Office of Human Resources shall prepare a compensation plan that includes the following:

- a. Salary ranges for all classifications in the competitive service, showing the minimum and maximum rates of pay;
- b. A designation of the position as full-time, hourly, or temporary;
- c. A designation of the position as paid on an hourly or salary basis.

#### **3. REVIEW OF COMPENSATION PLAN**

The compensation plan will be reviewed periodically, but not less than every two years. The Office of Human Resources shall determine whether any modifications are necessary due to changes to positions or classifications, including changes to exempt or non-exempt status. The City Manager shall submit any modified compensation plan in proposed form to the City Council for adoption.

### **B. SALARY UPON APPOINTMENT**

Initial appointments shall be normally made at the first step of the salary range for the particular classification in which the appointment is made. When, in the judgment of the Department Director, the education, training, and/or experience of a proposed employee are such that a salary in excess of the first step is justified, the City Manager may authorize an appointment to a position at a higher step in the salary range.

### **C. SALARY UPON INTERIM APPOINTMENT**

An employee appointed to an interim assignment shall receive the salary rate of the higher classification in which the employee is performing the required duties. If the employee's current salary is above the starting salary of the interim classification, the employee shall be placed on the new salary range at the closest step that will provide a minimum increase of five percent (5%). A person appointed in an interim capacity shall be eligible to receive merit increases in his/her regular position during the acting appointment, but shall not be entitled to merit increases in the position which is held in the interim capacity. Additionally, the employee will remain in their current bargaining unit and receive the benefits of that unit.

### **D. SALARY UPON PROMOTION**

An employee who is appointed to a position in a classification allocated to a higher salary range than the employee's present classification shall receive the next highest monthly salary which is at least five percent (5%) higher than the employee's current base salary, but in no case more than the top step of the new salary range. Payment in such new salary range shall commence at the beginning of the pay period in which the appointment becomes effective.

### **E. SALARY UPON TRANSFER**

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

### **F. SALARY UPON RECLASSIFICATION**

#### **1. Upward Reclassification**

An employee whose position is reclassified to a job classification with a higher salary range, and who meets the qualifications and requirements for the new classification, shall be compensated at the closest step within the new salary range that will provide a minimum increase of five percent (5%). A new probationary period is not required and the performance review date shall not change.

#### **2. Downward Reclassification**

An employee whose position is reclassified to a job classification with a lower salary range shall:

- a. Retain his/her current salary if the current salary is the same as a step within the salary range of the new classification;
- b. Be placed at the closest step within the salary range of the new classification that approximates the current salary if the current salary is between steps within the new salary range;
- c. Be placed at the maximum step of the new range if the current salary is above the new range; or

- d. Be assigned a Y-rate designation to hold the employee at the current salary rate, without increases, until such time as the salary range for the new classification is the same or exceeds the amount of the Y-rating. A Y-rating requires approval of the City Council.

## **G. SALARY RANGE CHANGE**

Periodically, in order to maintain competitive salaries, a compensation study may be conducted on positions within the compensation plan. Based on the study, positions may be placed in a new range in the salary schedule. Employees affected by a salary range change will be placed in the new salary range at the step closest to their current salary that does not result in a reduction in pay for the employee.

## **H. SALARY UPON DEMOTION**

The salary of an employee who is demoted for cause to a position in a classification allocated to a lower salary range than the employee's current classification shall be reduced to a step in the salary range for the classification to which the employees has been demoted. The Department Director, with the approval of the City Manager shall determine the step within the range on which the demoted employee will be placed. An employee demoted pursuant to a lay-off shall be compensated at the nearest lower monthly salary rate in the salary range for the classification to which he/she has been demoted to the employee's salary rate prior to layoff. The effective date of the demotion shall establish a new salary evaluation date.

## **I. MERIT SALARY INCREASES**

### **1. Eligibility for a Merit Increase**

Merit increases are based solely upon job performance, they are not automatic, and there is no annual entitlement to them. Employees are eligible for a merit increase each year based upon the evaluation of their performance. Only regular appointees are eligible for merit increases, and no employees will receive an advancement that exceeds the maximum rate established for their classification. In order to receive a merit increase, employees must receive both a rating of "meets expectations" or above on their job performance evaluation and a recommendation for a merit increase by the Department Director. Any such merit increases will be applied to the employee's most recent evaluation date.

In the event an employee's overall rating is not at a "meets expectations" or above, they will not be eligible for a merit increase until the next evaluation period. The employee shall also be placed on a performance improvement plan for a period of no less than 90 days.

### **2. Merit Increases for Exceptional Circumstances**

Upon written recommendation of a Department Director, the City Manager, in his/her sole discretion, may authorize a merit increase outside of a regularly-scheduled performance evaluation if exceptional performance or other appropriate circumstances warrant advancement. An increase for exceptional performance shall not exceed the highest step in the

employee's current salary range. The evaluation date will not change due to an increase outside of the regular performance schedule.

#### **J. BILINGUAL COMPENSATION**

The City shall provide additional compensation to employees for the performance of bilingual skills. Compensation for bilingual pay shall be established by a Memorandum of Understanding approved by the City Council. The Department Director may recommend that an employee be considered for bilingual pay based on the needs of the department. The employee must demonstrate their bilingual skills through a verbal competency exam created and administered by the Office of Human Resources. The City shall determine the number of employees to receive bilingual pay and the languages for which testing shall be conducted.

If an employee receiving bilingual pay receives a change in assignment, classification, job duties, or is transferred or promoted, the Department Director may determine that bilingual skills are no longer required for the position and the compensation will be removed from the employee with no right of appeal.

#### **K. OVERTIME COMPENSATION**

If circumstances warrant, employees may be required, and are expected to perform, overtime work. All overtime work must have the approval of the appropriate supervisor prior to actual performance of the work. Failure to obtain such approval in advance shall be justification for discipline up to, and including, termination. All overtime work shall be compensated at one and one-half times the employee's regular rate of pay under the Fair Labor Standards Act for overtime hours worked. Only actual hours worked shall be considered as hours worked for purposes of calculating overtime pay, unless authorized in a Memorandum of Understanding adopted by the City Council. No overtime shall be recorded for less than 6 minutes of work.

#### **L. COMPENSATORY TIME OFF**

Employees may opt to accrue Compensatory Time Off (CTO) in lieu of cash payment for overtime worked if the requirements of this policy have been met.

CTO shall accrue at the rate of one and one-half time hours for each overtime hour worked in accordance with the Fair Labor Standards Act. No employee may accumulate CTO in excess of eighty hours unless provided by a City Council approved Memorandum of Understanding. Overtime will be compensated in pay only after 80 hours of CTO have accumulated. Use of compensatory time off earned shall be granted provided that: 1) its use does not unduly disrupt the operations of the City; and 2) the request is made to the employee's Department Director or designee no later than five days prior to the time when the employee desires to use the leave. Employees working in more than one department must submit the CTO request to the Head of each affected department. If the employee does not provide five (5) days' notice, or if the City can document that the use of CTO would

unduly disrupt City operations, the City will cash out the CTO requested at the end of the current pay period in the regular paycheck.

#### **M. DEDUCTIONS FROM EXEMPT EMPLOYEE'S PAY**

Exempt employees may not have their pay reduced for variations in the quantity or quality of work performed. Exempt employees must normally receive their full salary for any week in which they perform work, without regard to the number of days or hours worked. However, exempt employees need not be paid for any workweek in which they perform no work at all for the City. Exempt employees who are absent from work for personal reasons or because of illness may be required to utilize available leave balances toward the absence. Deductions from an exempt employee's pay cannot be made as a result of the following circumstances:

- Jury Duty
- Attendance as a witness;
- Temporary military leave;
- Disciplinary action other than a major safety violation, except when the employee does not work any hours for an entire week; or
- Partial days.

#### **N. ERRORS IN COMPENSATION**

In the event of any underpayment of which the City becomes aware, the employee shall receive any amount due him/her on the next regular pay period. In extenuating circumstances, an additional check may be processed prior to the next pay period. In the event of an overpayment the City will recoup the overpayment as agreed upon by the City and the employee. Employees shall review each of his/her paychecks to ensure the employee was paid correctly. If the employee believes an error or irregularity has occurred, the employee must immediately bring the error to the attention of their supervisor, the Finance Office, or the Office of Human Resources.

### **VI. GENERAL EMPLOYMENT MATTERS**

#### **A. HOURS OF WORK**

Daily hours of work (or shifts) for employees within departments shall be assigned by the employees' applicable MOU or by Department Directors as required to meet operational requirements. The Department Director may change an employee's work period, week, or hours at any time to meet the requirements of the City. Changes shall be made in accordance with applicable Memorandum of Understanding.

Any foreseeable absence or deviation from regular working hours desired by an employee shall be cleared in advance through the employee's supervisor, and such absences shall be noted on the employee's time sheet.

With the approval of the Department Director and concurrence of the employee association, an employee may be assigned a flexible work schedule so long as the employee's work schedule totals forty (40) hours within the employee's designated workweek and as long as the needs of the public and City are being met. The start and stop of the workweek for employees on a flexible work schedule will be designated at the time the flexible work schedule is assigned to the employee.

## **B. TIMEKEEPING**

All employees must sign and accurately record all hours worked and any leave taken on their timesheets. Employees must submit their timesheets on a bi-weekly basis to their supervisor. Employees must immediately report any errors on a timesheet that has already been submitted to their supervisor.

## **C. ATTENDANCE**

Employees are expected to report to work as scheduled, on time, and prepared to start work. Unauthorized tardiness and absence cause disruptions in coverage of assignment and city operations. Employees are also expected to remain at work for their entire work schedule, except when required to leave on authorized city business or some other authorized leave. All departments shall keep daily attendance records of employee, which shall be reported to the Finance Director on the employee's timesheet.

Employees who anticipate an absence from all or a portion of their regular work schedule and wish to request a form of accrued leave time or unpaid leave time should follow the procedures provided in these Rules or Memorandum of Understanding for the particular type of leave that they are requesting.

Employees who are unexpectedly unable to report to work as scheduled on any particular day must call/text their immediate supervisor no later than their schedule time to begin work for that day, or as otherwise required by the Department. If the employee's immediate supervisor is not available, then the employee must notify the Department Director or his/her designee. Employees must inform their supervisor of the expected duration of any late arrival or absence. Employees must report their absence each day. Failure to do so is considered an unreported absence. Employees who call later than their scheduled time to begin work for their assigned shift will be deemed to have an unreported absence. Failure to contact the department at all to report an absence will be considered a no call/no show. Employees who are absent for three (3) or more consecutive days without notifying their department will be presumed to have abandoned/resigned their position. The Office of Human Resources will provide a notice of separation to the employee's last known address. If within 10 days of said notice, the employee can show good cause for the failure to report to duty, the Assistant City Manager or his/her designee, in his/her discretion may, after consultation with the Department Director, reverse the resignation.

Any reported absence that is three (3) or more consecutive days will be considered a leave of absence, subject to approval. Please refer to the Leave of Absence Section X. Abuse or misrepresentation of any form of accrued or unpaid leave time will be grounds for discipline.

Failure on the part of an employee who is absent without notification or authorization to return to duty within twenty-four (24) hours after a notice to return to duty has been delivered to their last known telephone number and or address will constitute an automatic resignation effective as of the last day an employee worked if, within 10 days of said notice, the employee can show good cause for the failure to return to duty, The Human Resources Director, in his/her discretion may, after consultation with the Department Director, reverse the resignation.

#### **D. EMPLOYEE PERFORMANCE EVALUATION**

A report of performance of each employee shall be made by respective Department Directors or their designees after completion of a probationary period and annually thereafter. Unless changed in accordance with these Rules and Regulation, these evaluation dates shall constitute the employee's salary evaluation date for purposes of eligibility for a merit salary increase; provided, however, the employee shall continue to receive performance evaluations on said date even after the employee has reached the top of the applicable salary range. In addition, a performance evaluation may be prepared at any other time at the discretion of the employee's supervisor.

Each department is responsible for the timely evaluation of their employees. Each performance evaluation shall be discussed with the employee. The Office of Human Resources will track and report the annual performance evaluations and will maintain a copy of each evaluation in the employee's official personnel file.

The performance evaluation will address areas of successful performance and areas that need improvement. Within the evaluation any area that falls below a "Meets Standard" will result in a Performance Improvement Plan (PIP) for a minimum period of 60 days at the discretion of the Office of Human Resources. Employees receiving an overall rating below "Meets Expectations" are not eligible to receive a merit increase. The employee will have the opportunity to comment regarding work performance, either in written statement attached to the report or orally. Comments must be submitted within 15 days of receipt of the evaluation. In the case of a public safety officer, they shall have 30 days from receipt of evaluation to respond. The employee shall sign the performance report to acknowledge that the employee is aware of its contents and has discussed the report with the evaluator. The employee's signature does not necessarily indicate agreement with the contents of the report. In the event that an employee refuses to sign the evaluation following his/her review of the evaluation, such refusal will be so noted by the evaluator on the evaluation form.

The employee will receive a copy of the performance evaluation. The original along with any written comments submitted by the employee, will be placed in the employee's official personnel file.



## **E. DISCRIMINATION, HARASSMENT & RETALIATION**

The City of Redlands strives to create and maintain a work environment in which people are treated with dignity, decency, and respect. The environment of the City should be characterized by mutual trust and the absence of intimidation, oppression, and exploitation. Employees should be able to work and learn in a safe environment. For that reason, the City will not tolerate unlawful discrimination or harassment of any kind. The City has zero tolerance for conduct that violates this policy. Conduct need not arise to the level of a violation of the law to violate this policy. Through enforcement of this policy and by education of employees, the City will seek to prevent, correct, and discipline behavior that violates this policy.

All employees, regardless of their positions, are covered by and are expected to comply with this policy and ensure that prohibited conduct does not occur. This includes applicants, elected City officials, City employees, and contractors of the City. Disciplinary action, up to and including termination, will be taken against any employee or officer who is found to have violated this policy. Any elected official or contractor who has been found to have violated this policy will be subject to appropriate sanctions.

The City of Redlands, in compliance with all applicable federal, state, and local anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

### **1. Discrimination**

It is a violation of policy to discriminate in the provision of employment opportunities, benefits, or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of the discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability, gender, sexual orientation, gender identity, genetic information, veteran status, marital status, or any other protected classification under state and federal law.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state, and local laws, including Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions states in these anti-discrimination laws.

Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination.

### **2. Harassment**

The City prohibits harassment, including sexual harassment, of any kind and will take appropriate and immediate action in response to complaints or knowledge of the violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate, or coerce an employee, co-worker, or any person working for or on

behalf of the City. The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability, or any other protected status, including epithets, slurs, and negative stereotyping;
- Nonverbal harassment includes distribution, display, or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion, or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, disability, gender identity, marital status, veteran status, or any other protected status.
- Physical harassment includes assault, impeding or blocking movement, physically interfering with normal work or movement, pinching, grabbing, patting, propositioning, leering, making expressed or implied job threats or promises in return for submission of physical acts, or stalking.

### **3. Sexual Harassment**

Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited under the City's harassment policy. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment."

There are two types of sexual harassment: (1) quid pro quo and (2) hostile work environment. Sexual harassment can be physical and psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing. Employees are prohibited from harassing other employees whether or not the incidents of harassment occur on employer premises and whether or not the incidents occur during working hours.

Though sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include the following:

- Physical assaults of a sexual nature, such as rape, sexual batter, molestation or attempts to commit these assaults, and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body or poking another employee's body;
- Unwelcome sexual advances, propositions or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience;

- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward; or
- Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that person's sex.

#### **4. Retaliation**

No hardship, loss, benefit, threat or penalty may be imposed on an employee in response to:

- Filing or responding to a bona fide complaint of discrimination or harassment;
- Appearing as a witness in the investigation of a complaint of discrimination or harassment;
- Serving as an investigator of a complaint of discrimination or harassment; or
- Refusing to follow an order or directive that is discriminatory or harassing in nature.

#### **5. Complaint Procedure:**

If an applicant, employee, officer, official, or contractor feels he/she has been discriminated against, harassed or retaliated against in violation of these rules, should report the conduct immediately and according to the following procedure so that the complaint can be resolved quickly and fairly.

- a. Report to Management: Inappropriate conduct should be reported to any supervisor, Department Director, the City Manager, or the Office of Human Resources. The individual should provide all details of the incident or incidents, names of individuals involved, and the names of any witnesses. The supervisor or manager must take all complaints of alleged or possible harassment or discrimination seriously, ensure that harassment or inappropriate sexually oriented conduct is immediately reported to Human Resources so that a prompt investigation may occur, and take any appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaints. Managers and supervisors who knowingly allow or tolerate harassment or retaliation including the failure to immediately report such misconduct to Human Resources are in violation of this policy and subject to discipline.
- b. Investigation: The City Manager or his/her designee will immediately undertake an effective, discrete, thorough, and objective investigation of the allegations at issue. All complaints will be investigated to the extent that the City deems appropriate. The investigation will normally include interviews with the reporting individual, the accused, and any other person who is believed to have relevant knowledge concerning the allegations. The investigator will remind all witnesses to maintain the confidentiality of

the content of the interview, and that retaliation against those who report alleged conduct or participate in the complaint procedure is prohibited.

- c. Investigation of Unreported Potential Violations: The city takes a proactive approach to the problem of discriminatory, harassing, or retaliatory conduct and will conduct an investigation if its officers, officials, supervisors or managers become aware that harassment may be occurring, regardless of whether the recipient or a third party reports a potential violation.
- d. Remedial and Disciplinary Action: If the investigation concludes that conduct in violation of this policy has occurred, the City will notify the offended and offending parties of the general conclusions of the investigation and will take effective remedial action that is designed to end the violation. Any employee or officer determined to be responsible for violating this policy will be subject to appropriate disciplinary action up to and including termination. Any official or contractor found to be responsible for violating this policy will be subject to appropriate sanctions.

## **6. Confidentiality**

The City recognizes that confidentiality is important to all parties involved in an investigation. Complete confidentiality cannot occur due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent possible.

An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except as otherwise directed by the Office of Human Resources. Any individual who discusses the content of an investigatory interview will be subject to discipline.

The City will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or a court order.

## **F. BULLYING**

The City of Redlands defines bullying as “repeated inappropriate behavior, either direct or indirect, whether verbal, physical, or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment.” Types and examples of such behavior are listed below. Such behavior violated the Redlands City Values and the City of Redlands Code of Ethics.

The purpose of this policy is to communicate to all employees, including supervisor, managers, and executives that the City of Redlands will not in any instance tolerate bullying behavior. Anyone found in violation of this policy will be disciplined, up to and including termination.

Bullying may be intentional or unintentional. However, when an allegation of bullying is made, the intention of the alleged bully is irrelevant and will not be given consideration when determining

appropriate discipline. The City of Redlands considers the following types of behavior examples of bullying:

- Verbal Bullying: slandering, ridiculing, or maligning a person or his/her family; persistent name calling which is hurtful, insulting, or humiliating, using a person as the subject of jokes; abusive and offensive remarks;
- Physical Bullying: pushing, shoving, kicking, poking, tripping, assault, or threat of physical assault, damage to a person's work area or property;
- Gesture Bullying: non-verbal threatening gestures, glances which can convey threatening messages; and
- Exclusion: socially or physically excluding or disregarding a person in work-related activities.

In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

- Personal insults and use of offensive nicknames;
- Using verbal or obscene gestures;
- Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property (defacing or marking up property);
- Spreading rumors and gossip regarding individuals;
- Persistent singling out of one person in a negative manner;
- Shouting, raising voice at an individual in public and/or in private; Public humiliation in any form;
- Demeaning comments and public reprimands;
- Not allowing the person to speak or express him/herself, one on one or in groups/meetings (i.e., ignoring or interrupting);
- Deliberately excluding an individual or isolating them from work-related activities (meetings, etc.);
- Constant criticism on matters unrelated or minimally related to the person's job performance or description;
- Repeatedly accusing someone of errors which cannot be documented;
- Deliberately interfering with mail and other communications;
- Encouraging others to disregard a supervisor's instructions;
- Manipulating the ability of someone to do their work (e.g., overloading, underloading, withholding information, setting meaningless tasks, setting deadlines that cannot be met, giving deliberately ambiguous instructions); and
- Repeatedly inflicting menial tasks not in keeping with the normal responsibilities of the job.

All City staff will be held accountable for their actions as well as their response to any such actions. Anyone with knowledge of such actions is required to report such information immediately to their supervisor or to the Office of Human Resources immediately. Failure to report or respond immediately to such actions may result in disciplinary action.

## **G. WORKPLACE VIOLENCE**

The purpose of this policy is to ensure a safe workplace, reduce the risk of violence and provide guidance to employees, supervisors, and managers in the event that they encounter a situation that they believe could result in workplace violence.

## **1. Examples of Prohibited Behaviors**

The City does not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities. The following list of behaviors provides examples of conduct that is prohibited:

- Causing physical injury to another person;
- Making threatening remarks;
- Displaying aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Committing acts motivated by, or related to, sexual harassment or domestic violence; or
- Possessing a weapon while on company property or while on company business.

Non-sworn employees are prohibited from possessing or using dangerous weapons and firearms at any time while on duty, on standby and while on City premises. Exceptions to this policy shall only be granted upon prior approval by the Chief of Police and the City Manager. Sworn employees in the Police and Fire Departments will follow their respective departmental policies regarding firearms and weapons.

Any potentially dangerous situations must be immediately reported to a supervisor or the Office of Human Resources. Reports can be made anonymously and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need to know basis.

The following procedures should be used in dealing with potential violence:

- a. On the Job – there are situations where relationships between employees or between an employee and the supervisor result in strong negative feelings by the individuals involved. Any persons involved in situations where they fear that physical retaliation may occur, or where someone has made verbal threats of physical violence, should immediately discuss it with their supervisor (or with management, if the supervisor is involved).
- b. Dealing with the Public – Similar situations could occur in employee contacts with the public. While the City has a strong commitment to customer service, the City does not intend for employees to be subjected to continuous verbal or physical abuse by customers. As in item number 1 above, any persons involved in situations where they fear that physical retaliation may occur, or where someone has made verbal threats of physical violence, should immediately discuss it with their supervisor. Further concern over the possibility of physical violence should be immediately discussed with management and reported to the Police Department.

## **2. Management Actions**

When any of the above situations is brought to the attention of department management, an evaluation of the severity of the situation must be made immediately. If it is concluded that there is a likelihood that violence could result, management shall:

- Discuss the situation with employees who are likely to come in contact with the subject. Provide a description of the subject and instructions on actions to be taken if the subject comes to the work site.
- Contact the Human Resources Director and provide information on steps being taken. If the subject is scheduled to be at the work site and the department feels that security is required, the Human Resources Director will make arrangements with the Police Department.
- In all cases, if there is an immediate need for Police Department intervention, call 911.

If an employee has made a threat of violence, has initiated a violent act, or has violated the policy regarding firearms and weapons, management will take disciplinary action, up to and including, termination.

## **H. REASONABLE ACCOMMODATION**

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are federal laws that prohibits employers with 15 or more employees from discriminating against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position. A reasonable accommodation includes any changes to the work environment and may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, telecommuting, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities

It is the policy of the City to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is the City's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

### **1. Procedures**

When an individual with a disability requests accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, he or she will be given the same consideration for employment as any other applicant. Applicants who pose a direct threat to the health, safety and well-being of themselves or others in the workplace and the threat cannot be eliminated by reasonable accommodation, will be found unqualified and will not be hired.

The City will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job, unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable

accommodation, or if the accommodation creates an undue hardship to the City. An undue hardship is an action requiring significant difficulty or expense by the employer. In determining whether an accommodation would impose an undue hardship on a covered entity, the following factors should be considered:

- The nature and cost of the accommodation;
- The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, the effect on expenses and resources, or the impact of such accommodation on the operation of the facility;
- The overall financial resources of the employer including the size, number, type and location of facilities; and
- The type of operations of the company, including the composition, structure and functions of the workforce; administrative or fiscal relationship of the particular facility involved in making the accommodation to the employer.

The Office of Human Resources is responsible for implementing this policy, including the resolution of reasonable accommodation, safety/direct threat and undue hardship issues.

An employee or applicant who desires a reasonable accommodation should make such a request in writing to the Office of Human Resources. The request must include: 1) the job-related functions that need accommodation; and 2) the desired reasonable accommodation.

Following receipt of the request, the Office of Human Resources will respond to the individual and schedule a meeting with the individual. The Office of Human Resources may require that the individual undergo a fitness for duty examination to determine whether the individual can perform the essential functions of the job with or without accommodation. The Office of Human Resources may require that this examination be conducted by a city-approved physician. Whether a reasonable accommodation can be made and the type of accommodation provided shall be determined by the Office of Human Resources after engaging in the interactive process with the employee and the appropriate supervisor, manager, or Department Director. The outcome of the interactive process and any accommodations made will be provided to the employee in writing.

An employee or applicant who believes he/she has been denied a reasonable accommodation may file a complaint with the City Manager. The City Manager's determination will be final with respect to the City.

## **I. FITNESS FOR DUTY EXAMINATIONS**

The City is committed to maintaining a safe and productive workplace. In order to provide a safe work environment, employees must be able to perform their jobs in a safe, secure, productive, and effective manner and remain able to do so throughout the entire course of their employment. Employees who are not fit for duty may present a safety hazard to themselves, to other employees, the City, or the public.



The purpose of this policy is to establish procedures by which the City will evaluate an employee's fitness for duty. A fitness for duty examination may be required when:

- An employee's conduct creates a reasonable belief that a threat to the health or safety of the employee or others exists; or
- There is objective evidence that the employee cannot perform the essential job functions.

The City may require that the fitness for duty exam be conducted by a City approved physician. The City will pay for an exam that it initiates under this policy and the exam will take place while the employee is in paid status.

Any information obtained from a fitness for duty examination will be kept confidential in accordance with applicable law.

## **J. EMPLOYEE DRESS STANDARDS**

The City strives to maintain a workplace environment that is well functioning, free from unnecessary distractions and conveys a high degree of professionalism. All employees are expected to present a professional, businesslike image to customers and the public. Clothing and appearance shall be neat, clean, and in good taste. Employees shall dress in accordance with general standards and guidelines designed to promote professionalism in the workplace. Dress shall be suitable to both the work location and the job duties.

### **1. Dress Standards**

**Office Standards:** Office attire shall be appropriate to the formalities normally expected in business establishments. Office dress shall be considered proper business attire to be worn in office settings and shall mean: business suits, slacks, jackets, sweaters, and dress shirts with or without ties for men; dresses, suits, coordinated pants, skirts, blouses, and sweaters for women.

**Field Standards:** The standards for office attire shall be acceptable for field dress, however, may not be practical for all field activities. Field dress shall be considered appropriate attire for work outside office settings and shall mean: a more casual dress standard which may include polo shirts, shorts, and tennis shoes.

**Casual Standards:** The city has implemented a casual day for Fridays. In addition, the City Manager may authorize additional casual days. Casual dress shall be considered appropriate for office and field settings and shall mean: business casual and include sports shirts, polo shirts, slacks, skirts, jeans, and sandals.

Extreme attire shall mean clothing styles, lengths, and/or fabrics outside of general office and field dress standards and shall be prohibited. Extreme attire includes, but is not limited to: sweats, shorts, strapless and spaghetti strap tops and dresses, halter tops, sheer clothing, excessively worn or faded clothing, and beach sandals.

Exceptions in the dress standards may be made to accommodate special assignments and/or work conditions. All exceptions shall be approved in advance by the Department Director. Employees who do not meet dress standards may be sent home to change and will be required to use accruals or not be paid for that time off.

## **K. UNIFORMS**

Uniforms shall be required for designated field personnel to ensure City employees may be easily identified and recognized as such. Employees designated to wear a uniform represent the City of Redlands. In order to present an exemplary image to the public, employees shall follow these general guidelines:

- Uniforms shall be neat, clean and properly maintained.
- Faded, worn and/or stained uniforms shall not be worn on duty and shall be replaced.
- Uniform shirts shall be tucked into pants.
- Outer garments shall bear City identification, such as City patches or lettering. Temporary clothing such as disposable coveralls and raingear are exempt from the identification requirement.
- Hats shall be City of Redlands uniform hats and shall be worn with the bill facing the front.
- The use of headbands, bandanas and other head gear shall be approved by the supervisor prior to being worn. Generally, supervisors shall approve items that are clean, neat and in a neutral color.
- Short pants may be worn at any time during the year, provided that wearing them does not present a safety hazard. Short pants shall be uniform shorts only. Jean shorts, exercise shorts or any other type of non-uniform shorts are unacceptable. Boxer shorts, spandex exercise pants and/or other clothing item shall not be seen extending above or below the short pants.
- When short pants are worn, socks shall be white or a color which matches the City uniform. Socks shall not extend above the boot more than two inches.
- Long sleeved shirts shall not be worn under short sleeved uniform shirts. Tee shirts may be worn under uniform shirts however; the sleeve cannot extend beyond the sleeve of the uniform shirt.
- Upon separation of employment with the City, the employee shall return all City-owned uniforms in their possession to his/her supervisor in a clean condition, ready to wear, prior to receipt of his/her final paycheck.
- Any modifications to the uniform must be approved by the Department Director and reviewed by the Office of Human Resources for consistency purposes.

### **1. Wear**

Departments Heads shall determine which job classifications and/or divisions are designated to wear City uniforms. Employees in these job classifications and divisions shall wear City uniforms during standard working hours. Uniforms shall be worn if an employee is called back to work from his/her off duty period. If a full uniform is not available at the time the employee is called out, the employee shall wear some other type of identification such as a badge, jacket or hat with City patches, etc.

City uniforms and any recognizable portion of a City uniform (i.e., anything with a badge, patch, or City of Redlands designation) shall not be worn for anything other than official City business.

Employees shall be aware of public perception and the assumption that uniformed personnel are on duty.

## **2. Responsibility**

It is the responsibility of the Department Director to ensure the Uniform Policy is understood and adhered to by all department employees required to wear uniforms. This Uniform Policy shall be made available to all civilian employees required to wear a uniform. It is the responsibility of the employee to ensure the items issued and worn are in compliance with this policy.

Employees who do not adhere to the provisions contained in this policy may be subject to disciplinary action. Any proposed disciplinary action related to this policy for non-sworn employees must be reviewed by the Office of Human Resources prior to the action being taken to ensure consistency. Modifications to the uniform which are requested by the employee and approved by the Department Director must be paid for by the employee.

## **3. Safety**

Department Directors may establish standards which are stricter than those contained within this policy for safety reasons. An example of this would be the requirement of steel toed boots or hard-soled shoes for specific classifications. Department Directors and their designees may also require that safety gear or equipment be worn, such as hard hats or reflective arm bands.

### *Purchase:*

All uniforms shall be ordered and/or purchased through the City.

## **4. Allowance**

Any uniform or boot allowance shall be paid in accordance with the appropriate employee's Memorandum of Understanding.

## **L. IDENTIFICATION BADGES/CARDS**

The City of Redlands believes it is important to maintain a safe and professional work environment. For this reason, all employees will be provided and shall carry a City-issued badge or identification card at all times while on duty. Human Resources shall issue identification cards to employees on or before the first day of employment. Safety employees may be provided their badges and/or identification cards by the Police or Fire department. If part of a uniform, badges shall be worn in accordance with department policy. Part time, temporary and intern employees may be required to display City identification at all times when on duty. Employees shall be responsible for lost or misplaced badges and identification cards. The employee shall reimburse the City for the cost of replacement. Badges and identification cards shall be returned to the department of Human Resources upon separation of employment with the City.

## **M. USE OF CITY VEHICLES AND AUTOMOTIVE EQUIPMENT**

The purpose of this policy is to establish procedures for the use, care and non-emergency operation of City-owned vehicles and automotive equipment. City vehicles and equipment shall only be operated by authorized City employees and volunteers.

### **1. Licenses**

Authorized City employees and volunteers must possess an appropriate and valid California driver's license for the designated vehicle and/or equipment they operate. Supervisors shall be responsible for ensuring that their employees have a current license.

### **2. Assignment of Vehicles and Equipment**

The City Manager or his/her designee shall assign vehicles and equipment to departments based upon City and department needs. New vehicles and equipment shall be approved by the City Council through the budget process or during a regular City Council meeting.

If more than one department requests an available vehicle or piece of equipment, each Department Director shall justify their need in writing to the City Manager. The City Manager shall make the final determination. If the City Manager decides that a vehicle or piece of equipment no longer meets the needs of the assigned department but may be of use to another department, a transfer may be made.

The transfer of vehicles and/or equipment from one department to another shall be coordinated through the Quality of Life Department and approved by the City Manager. The City Manager may dispose of vehicles and equipment no longer meeting the needs of the City.

### **3. Safe Operation of Vehicles and Equipment**

Employees/volunteers using City vehicles and automotive equipment shall be held individually responsible for the safe operation of the vehicles and equipment which they are using.

Employees and volunteers operating City vehicles and equipment shall do so in a reasonable and prudent manner, having due regard for street surfaces and other conditions which may affect safe operation. Employees and volunteers shall operate vehicles and equipment in accordance with City and department policies and provisions of the California Vehicle Code. Employees shall accept full responsibility for fines incurred as a result of any driving, parking and/or other traffic violation.

### **4. Use of Seat Belts**

It is the intent of the City of Redlands to provide the safest environment possible for employees using vehicles and equipment in the course of their employment. No employee or volunteer shall operate or ride in any vehicle or equipment without being properly secured in a seat belt. Employees shall adjust safety restraint devices so they are comfortable yet provide maximum protection in the event of an accident.

Police, Fire, and Solid Waste employees shall use seat belts in accordance with the California Vehicle Code, department standard operating procedures, and other legislation pertaining to the use of seat belts.

### **5. Use of Cellular Phones and Radios**

Employees shall refrain from talking or texting on hand-held cellular phones and radios while operating vehicles and equipment. When communication is necessary due to emergency or other work related circumstances, employees shall park and stop the vehicle/equipment prior to using the communication device.

Exceptions may be made for Police and Fire personnel.

## **6. Inspection of Vehicles and Equipment:**

The procedure for ensuring proper operation and maintenance of vehicles and equipment is as follows:

- a. The Department Director shall designate supervisory personnel to be accountable for all vehicles and equipment assigned to the department. The supervisor(s) shall be responsible for assigning the vehicles and equipment to a job site, project or employee. Non-supervisory employees do not have authorization to assign equipment and vehicles to others.
- b. Supervisors shall instruct employees on the safe operation and preventive maintenance requirements for the vehicle or equipment to be utilized.
- c. Employees shall conduct daily inspections of assigned vehicles and equipment as required by Department of Transportation regulations. Inspections shall occur at the beginning of each shift when vehicles and equipment will be utilized.
- d. Employees shall complete a department inspection report documenting the following: visible damage, safety items, service needs and maintenance requirements. These inspection reports shall be submitted to the supervisor immediately following the inspection.
- e. The supervisor shall be responsible for reviewing the inspection reports and taking appropriate action.

## **7. Maintenance of Vehicles and Equipment**

Employees shall be responsible for the care, cleanliness (exterior and interior) and general maintenance of assigned vehicles and equipment.

- The City shall provide supplies necessary for the care, cleaning and maintenance of vehicles and equipment.
- Supervisors shall allow employees to perform care, cleaning and minor maintenance tasks while on duty.
- Employees shall make periodic inspections of all fluid levels and correct any deficiencies.
- Supervisors shall make weekly inspections of the vehicles and equipment assigned to subordinates to ensure they are being maintained according to policy.
- Supervisors shall ensure employees adhere to the routine service and maintenance schedules established by the Equipment Maintenance Division.
- Employees shall complete the appropriate Equipment Maintenance forms to describe service needs and requested repairs when leaving vehicles and equipment for service at the City Garage. Forms shall be submitted to a supervising mechanic.
- Vehicles and equipment requiring warranty service shall be taken to the City Garage where authorized personnel shall arrange appropriate service.
- No modifications shall be made, or accessories added, to City vehicles and/or equipment without the express authorization from the department supervisor, Equipment Maintenance Superintendent and City Manager.

- All vehicles and equipment shall be secured by removing keys, closing windows and locking doors prior to storing at the Corporate Yard and other facilities.

## **8. Accidents Involving Vehicles and Equipment**

Accidents involving City vehicles and equipment shall be reported as follows:

- a. Accidents shall be reported to the appropriate law enforcement agency, if necessary, to Human Resources/Risk Management and to the department supervisor immediately.
- b. Employees shall complete the City's Incident, Accident, and Injury Form and submit to the supervisor.
- c. The supervisor, upon receipt of the employee's accident report, shall review the report, investigate the facts, and complete the Supervisor's Accident Investigation Form, and submit a recommendation along with the completed employee's Incident, Accident, and Injury Form to Human Resources/Risk Management within 24 hours.
- d. Any damage resulting to vehicles and equipment, other than an accident, shall be reported to the department supervisor immediately and shall be subject to the same procedure as accidents.
- e. Damage to City vehicles and equipment due to negligence, unsafe driving or operation, or damage due to willful misconduct by an employee may be cause for disciplinary action, including termination.

## **9. Use of Vehicles and Equipment**

Employees may be assigned vehicles and/or equipment for use during standard business hours to conduct official City business.

Employees may need to utilize vehicles to attend official functions inside and outside of the city limits. Employees shall not use City vehicles and equipment outside the City without prior authorization from the Department Director.

Vehicles and equipment may be used after hours to conduct official City business. After hours employees may use City vehicles as transportation from their residence to the assigned work site and back to the residence.

## **10. Use of Private Vehicles**

Private vehicles shall not be used for work-related activities without the permission of the Department Director or designee.

## **11. Personal Use of Vehicles and Equipment**

City vehicles and equipment shall only be used for work-related purposes and shall not be used for personal errands or transport. Exceptions may be made by the City Manager or through an approved and fully executed Memorandum of Understanding.

City vehicles and equipment may be authorized for take home use in accordance with the following criteria:

- a. The authorization for the take home use of City vehicles and equipment shall be based on operational need.
- b. The City Manager shall authorize all take home use of City vehicles and equipment not otherwise permitted by an approved and fully executed Memorandum of Understanding.
- c. Safety personnel and other employees responding to emergencies may be provided with City vehicles that have specific equipment. Such take home assignments are regarded as a requirement of the job and shall be identified by the Department Director and City Manager.
- d. The City Manager may discontinue the use of a take home vehicle assignment upon a finding that the position and responsibility of the position no longer require such usage, or that such usage is not in the best interest of the City, including that the employee is not complying with the requirements of this policy.
- e. An employee who is authorized to take home a City vehicle and/or equipment shall make reasonable effort to protect the vehicle and/or equipment against loss and/or damage. This may include the removal of portable equipment from the interior of the vehicle.
- f. Employees must account to the City for the authorized personal use of City vehicles. The usage must be substantiated (for example, mileage), the time and place of the travel, and the purpose of the travel. Written records made at the time of each use are the best evidence. All personal use of a City-provided vehicle will be included in employee wages per Internal Revenue Code Sections 123 and 611. This paragraph not applicable to sworn safety units.

## **12. Regular Take Home Authorization and Assignment**

Regular or permanent take home authorization of City vehicles and equipment, not otherwise permitted by an approved and fully executed Memorandum of Understanding, shall be approved by the City Manager and based on the following criteria:

- a. The employee resides within forty (40) miles of the Redlands City Limits. Employees currently assigned a take home vehicle will be grandfathered at the time of adoption of these rules and regulations.
- b. The employee is regularly and frequently subject to call for emergency response, has specific expertise and must respond with a specially equipped vehicle.
- c. The employee provides regular and frequent off duty supervision where no subordinate has been designated to act.
- d. An employee who, on an average of 50% of the standard work week, is required to begin or end daily work activities at sites other than the permanent work station.
- e. There is a specialized assignment, approved by the City Manager and Department Director, requiring the use of City vehicles and/or equipment.

- f. Employees may not use City-provided vehicles for personal purposes, other than commuting or de minimis personal use. Employees shall be responsible for use of the vehicle in compliance with City and department policies and procedures.
- g. Employees must account to the City for the regular take home of City vehicles. The usage must be substantiated (for example, mileage), the time and place of the travel, and the purpose of the travel. Written records made at the time of each use are the best evidence. All personal use of a City-provided vehicle will be included in employee wages per Internal Revenue Code Sections 123 and 611. This paragraph not applicable to sworn safety units.

### **13. Temporary Take Home Authorization and Assignment:**

Temporary take home authorization of City vehicles and equipment shall be approved by the Department Director in accordance with the following criteria:

- a. The temporary assignment of City vehicles and equipment for take home use shall not exceed thirty (30) days.
- b. The employee resides within forty (40) miles of the City Limits of Redlands.
- c. The employee is assigned to “Stand By” or “On Call” status, as defined in respective Memoranda of Understanding, for emergency response, has specific expertise and must respond with a specially equipped vehicle.
- d. There is a temporary or specialized assignment, approved by the Department Director, requiring the use of City vehicles and/or equipment.

### **14. Miscellaneous**

This policy does not preclude departments from implementing additional, department-specific policies and procedures related to the use of City vehicles and equipment.

The use of tobacco products, in all forms, is prohibited in City vehicles and equipment.

Any violation of this policy is subject to disciplinary action, up to and including termination.

## **N. Travel and Expense Reimbursement Policy**

### **1. Overview**

It is the policy of the City of Redlands to reimburse staff for reasonable and necessary expenses incurred in connection with approved travel on behalf of the City. The City strongly encourages employees to book travel in advance and to utilize travel discounts when making travel arrangements.

Employees seeking reimbursement should incur the lowest reasonable travel expenses and exercise care to avoid impropriety or the appearance of impropriety. Reimbursement is allowed only when reimbursement has not been, or will not be, received from other sources. If a circumstance arises that is not specifically covered in this travel policy, then the most conservative course of action should be taken.



**Travel Includes:**

- Attendance at workshops, seminars, conventions, conferences, or other meetings of interest to the City; and/or

**Approval:**

- All travel must be approved in advance by the employee's Department Director or his/her designee. When the Employee is a Department Director, the travel must be approved by the City Manager or his/her designee.

**2. Compensation While Traveling**

Non-exempt employees shall be paid their hourly rate as hours worked while they are traveling (whether by automobile, airplane, train, etc.) for City-approved, job-related purposes. Non Exempt employees will be paid their hourly rate for actual hours spent in training and for travel time. When a non-exempt employee is not required to report to their regular employment site on a day he/she attends City-approved training, paid travel time shall be calculated as the lesser of the time spent travelling from the non-exempt employee's residence to the training site and back or the time spent traveling from their regular employment site to the training site and back. If the non-exempt employee is required to report to their regular employment site on a day he/she attends City-approved training, paid travel time shall be calculated as the time spent traveling from their regular employment site to the training site and back, regardless of where the non-exempt employee resides.

**3. Authorization and Responsibility**

Employee's travel must be authorized, and employees should verify that their travel is eligible for reimbursement before making travel arrangements. Employees should utilize the Training and Travel Request Form.

Within 60 days of travel completion, employees must submit an Expense Reimbursement Claim Form with original receipts and supporting documentation.

The Expense Reimbursement Claim Form must be signed by the Department Director or designated authority. Designated approval authorities are required to review expenditures and withhold reimbursement if there is a reason to believe that the expenditures are inappropriate or extravagant.

Employees should review this policy before spending personal funds for City travel to determine if such expenses are reimbursable. The City reserves the right to deny reimbursement of travel-related expenses for failure to comply with this policy.

**4. Vacation in conjunction with business travel**

In cases where an employee is utilizing vacation time in conjunction with City-related travel, any cost variance in airfare, car rental or lodging must be clearly identified on the Expense Reimbursement Claim Form. The City will not prepay any personal expenses with the intention

of being “repaid” at a later time, nor will any personal expenses be reimbursed; only expenses incurred during the dates of City-related travel will be reimbursed.

## 5. Permissible prepaid travel expenses

Before leaving on travel, the City may issue prepayments for the following expenses:

- airfare
- rail transportation
- conference registration fees
- per diem

If the employee has received a prepayment and is unable to attend the event, they are required to request a refund of all prepaid expenses. The Department Director or designated authority are responsible for ensuring that employees request refunds for all prepaid expenses. The City reserves the right to request reimbursement from employees for all non-refundable prepaid expenses. Employees have a minimum of thirty (30) days to reimburse the City for any non-refundable prepaid expenses.

## 6. Reimbursable Expenses

Reimbursement requests for travel expenses are submitted on an Expense Reimbursement Claim form signed by the designated approval authority and accompanied by the following (if applicable):

- Approved Training and Travel Request Form;
- Itemized expense receipts;
- Internet map showing route and miles traveled;
- Event brochure or flyer;
- GSA Meals & Incidentals Breakdown for destination; and
- Listing of prepaid travel expenses

These forms must be submitted to the Finance Division within 60 days after the travel is completed. Forms not submitted within this time frame require exception approval from the Management Service Director or City Manager or their designee.

Reimbursement of travel expenses is based on documentation of reasonable and actual expenses supported by the original, itemized receipts. The City will reimburse travel expenses for the most efficient and economical mode of transportation. Reimbursements that may be paid by the City are shown below.

**a. Airfare.** An original itemized airline receipt, an e-ticket receipt/statement or an Internet receipt/statement is required. The receipt must show the method of payment and indicate that payment was made.

Employees are expected to obtain the lowest available airfare that reasonably meets business travel needs. Airfare should be booked for economy/coach class only; Business or First class is not reimbursable. Upgrades are not reimbursable. Employees are encouraged to book flights at least 30 days in advance to avoid premium pricing. If the airline charges additional charges for checked luggage, only the cost of the first checked bag will be reimbursed.

**b. Rail transportation.** The City will pay for rail transportation provided that the cost does not exceed the cost of the least expensive airfare.

An original itemized receipt, original e-ticket receipt/statement or Internet receipt/statement is required. The receipt must show the method of payment and indicate that payment was made.

**c. Mileage.** Reimbursement for use of a personal automobile is based on the current reimbursement rate determined by the Internal Revenue Service. Mileage reimbursement is granted only when employees are required to use their personal vehicle in connection with their assignment and in the performance of their duties. An Expense Reimbursement Claim Form must be submitted to the Finance Department to receive mileage reimbursement. Attached should be a copy of an internet map showing the route and mileage traveled.

Reimbursable mileage shall be calculated from the primary worksite of the employee to the various destinations and return to the primary worksite. In the event an employees does not visit the regular place of work on any business day, mileage shall be reimbursed for any miles that exceed the employee's normal commute.

A valid driver's license issued within the United States and personal automobile insurance are required for expenses to be reimbursed. Drivers should be aware of the extent of coverage (if any) provided by his or her automobile insurance company for travel that is business or not personal in nature.

**e. Automobile Rental.** Reimbursement for a commercial rental vehicle as a primary mode of transportation is authorized only if the rental vehicle is more economical than any other type of public transportation, or if the destination is not otherwise accessible.

The City authorizes reimbursement for the most economic vehicles available (economy or midsize). The itemized rental agreement must clearly show the date and the points of departure/arrival, as well as the total cost. Drivers must adhere to the rental requirements, and restrictions must be followed. Original receipts are required.

When vehicle rentals are necessary, the City encourages Employees to purchase collision damage waiver (CDW) and loss damage waiver (LDW) coverage. The City will reimburse the cost of CDW and LDW coverage; all other insurance reimbursements will be denied.

Drivers should be aware of the extent of a coverage (if any) provided by his or her automobile insurance company for travel that is business or not personal in nature.

Employees are strongly encouraged to fill the gas tank before returning the vehicle to the rental agency to avoid service fees and more expensive fuel rates.

**f. Conference registration fees.** The City will reimburse these fees, including business-related banquets or meals that are part of the conference registration. Original receipts to support the payment are required. If the conference does not provide a receipt, then a brochure along with a cancelled check, credit card slip/statement or documentation that the amount was paid is required for reimbursement.

A prorated amount for the meals provided must be deducted from the Employee's per diem. See Meals (per diem) for more detail. Entertainment activities such as golf outings and sightseeing tours will not be reimbursed.

**g. Lodging.** The cost of overnight lodging (room rate and tax only) will be reimbursed to the employee if the authorized travel is 50 miles or more from the employee's home or primary worksite. Exceptions to this restriction may be approved in writing by the Department Director, City Manager, or his/he designee.

The City will reimburse lodging expenses at reasonable, single occupancy or standard business room rates. Only single room rates are authorized for payment or reimbursement unless the second party is representing the agency in an authorized capacity. If the lodging receipt shows more than a single occupancy, the single room rate must be noted. If reimbursement for more than the single room rate is requested, the name of the second person must be included. The lodging receipt must be itemized listing all expenses.

**h. Meals and Incidentals (Per Diem).** Per Diem reimbursement will be issued for meals and incidentals for travel that is 50 miles or more from the employee's primary worksite. For one day travel in excess of 50 miles, 75% of the applicable GSA daily per diem rate will be provided.

The City's per diem rates are based on the U.S. General Services Administration Guidelines, which vary by location. The rates are listed online at [www.gsa.gov](http://www.gsa.gov). In addition to meals these rates include incidental expenses such as service tips (e.g., housekeeping or porter tips). Incidental expenses, unless specifically cited in this policy, will not be reimbursed.

The maximum reimbursable gratuities for meals is 20% of allowable meal expenses and taxes.

For the first and last days of travel, 75% of the applicable GSA daily per diem rates will apply.

Receipts are not required for per diem allowances.

**i. Business Meals and Expenses.** Employees are allowed reimbursement for meals and various business expenses when the opportunity to discuss the City's concern with state and federal officials, participating in regional, state and national organizations whose activities affect the City, or promoting public service and morale by recognizing such service. Business expense reimbursements must be an authorized expense in benefit of the City.

**k. Parking and Tolls.** Original receipts are required for parking fees and tolls (including airport parking). The lodging bill can be used as a receipt when charges are included as part of the overnight stay.

**n. Miscellaneous transportation.** Original itemized receipts are required for taxi, bus, subway, metro, ferry, rideshare, and other modes of transportation.

**o. Visa, passport fees and immunizations.** If these items are required for international travel, their reimbursement is left to the discretion of the Department Director. If approved by the designated authority, original itemized receipts are required.

## **7. Non-reimbursable Travel Expenses**

The following items that may be associated with business travel will not be reimbursed by the City:

- Airline club memberships;
- Airline upgrades;
- Alcohol;
- Business or First Class airfare;
- Child care, babysitting, house-sitting, or pet-sitting/kennel charges;
- Commuting between home and the primary work location;
- Costs incurred by employee's failure to cancel travel or hotel reservations in a timely fashion;
- Evening or formal wear expenses;
- General use clothing;
- Haircuts and personal grooming;
- Laundry and dry cleaning;
- Lost luggage and personal items;
- Passports, vaccinations and visas when not required as a specific and necessary condition of the travel assignment;
- Personal entertainment expenses, including in-flight movies, headsets, health club facilities, hotel pay-per-view movies, in-theater movies, social activities and related incidental costs;
- Repairs to personal vehicles;
- Travel accident insurance premiums or purchase of additional travel insurance;
- Valet parking, unless the hotel or venue prohibits guests from parking their own vehicles;
- Traffic and/or parking violation fines; or
- Other expenses not directly related to City related travel.

## **8.Travel for Non-Employees**

Additional costs for travel, lodging, meals or other travel expenses for spouses or other family members will not be reimbursed.

## **O. CREDIT CARD POLICY**

The City of Redlands uses a variety of methods for the purchase of goods and services, including petty cash, purchase orders, and disbursement vouchers, along with credit cards, which are overseen by the City Manager's Office. Processing purchase orders is not cost effective for low dollar value goods. Occasionally suppliers will not accept a purchase order which makes the use of a credit card more efficient. In addition, credit cards will allow Cardholders to take advantage of short-term sale discounts and to make purchases and/or reservations by phone and the internet. The purpose of this policy is to identify which employees would be eligible to be Cardholders to make these types of purchases for the City, as well as the proper use and documentation required when the City-issued credit cards and gas cards are used for City business.

A City of Redlands credit card will only be issued to specifically identified employees who, because of their job duties, have been approved to be Cardholders by their Department Directors. Only those employees who make specific purchases allowable under this policy for their Department will be issued credit cards. The City credit card program allows oversight of such purchases by Department Directors. Verification of all purchases is required by each Cardholder, with signature approval performed by the Cardholder's Supervisor and/or Department Director. All credit card purchases are reviewed monthly by the applicable Department Director and the Management Services Department's Finance Division.

### **A. AUTHORIZED CARDS**

#### **1. CREDIT CARDS**

Redlands City Manager's office is designated as the City's credit card coordinator. They contract with a Card Issuer in connection with the City's Purchasing Guidelines to acquire the credit cards for specifically identified employees. The Card Issuer will have no individual Cardholder information other than the Cardholder's work address. No credit records, social security numbers, etc., are maintained by Card Issuer, and will not have any impact on the Cardholder's personal credit. City-issued Credit Cards can only be used by the individual to whom it has been issued.

#### **2. GAS CARDS**

Gas cards will be issued to authorized employees in the Facilities and Community Services and Police Departments. Depending on the vendor, these cards may be issued in the City's name or in the specific name of an employee. Use by anyone other than the authorized Cardholder is prohibited.

### **B. CARD ELIGIBILITY**

Under the guidance of the City Manager, Department Directors are responsible for identifying which employees should be issued a credit card or gas cards. The number of employees identified to receive cards should be minimized and should be strictly limited to those who

are required as part of their job duties to make purchases for their Department pursuant to this policy. Limited service temporary employees cannot be assigned a credit card, but may be authorized to use a gas card by their Supervisors and Department Director if necessitated by their job duties.

**C. OBTAINING CREDIT CARD for an IDENTIFIED ELIGIBLE EMPLOYEE**

Department Directors, or their authorized designees, shall make a request to the City Manager's office for credit card issuance.

**D. CARD USAGE**

- All purchases must abide by the City Purchasing Guidelines;
- May be used to charge budgeted services, supplies and equipment;
- May be used for the purchase of gas, oil, and supplies for City vehicles;
- May be used to charge conference/seminar registration, airline, lodging, and car rental costs for the City Council, City Manager, or other City employees;
- May not be used for personal benefit or personal use;
- May not be issued to any elected members; and
- Must be returned to the City upon termination or resignation prior to receiving their last paycheck.

**E. RECONCILIATION**

At the end of each credit card statement cycle, cardholders must provide to the Finance Division a reconciliation of their credit card charges, including all original receipts and signature approval by their Department Director.

**P. RIDESHARE POLICY**

The City of Redlands developed a rideshare program in an effort to reduce the number of vehicles used for employee commutes to and from work. Reducing vehicle trips and mileage positively effects our air quality and traffic congestion.

Rideshare is any method of commuting to and from work other than driving alone. It includes carpool, vanpool, riding the bus, walking, cycling, and telecommuting. "Carpool" shall mean two or more City employees sharing a ride to and from a City facility.

**1. Provisions**

- Participation in the City Rideshare Program is voluntary.
- This program is an honor system program. Once a participation form has been verified and approved, the Program Coordinator shall rely on the employee and his/her supervisor to accurately report all rideshare days on the employee's time sheet. The Program Coordinator shall monitor and audit rideshare reporting to ensure accuracy and compliance with program rules.
- Enrollment shall be approved and processed by the Program Coordinator in order to receive rideshare benefits. All changes in participation shall be approved and updated by the Program Coordinator prior to recording and compensation on the time sheet.

- Employees commuting in a City-provided and/or assigned vehicle are not eligible for rideshare incentives.
- Employees commuting in a City-provided van shall select one “park and ride” location central to all riders in the vanpool. All employees shall assist with van driving, fueling and cleanliness.
- If ridership in a vanpool decreases, the Program Coordinator may reallocate the City van to accommodate a greater number of employees.
- Reporting rideshare days on a timesheet is no different from reporting any other type of regular work hours or utilization of leave balances. Any false information reported on a timesheet for rideshare hours shall be treated in the same manner as any other falsification reported on a time sheet.
- Failure to accurately record rideshare credit and use may result in the loss of rideshare privileges. In addition, intentional abuse of rideshare program rules and reporting requirements may result in disciplinary action.
- In order to be eligible for rideshare incentives, carpooling employees shall:
  - Rideshare to and from work for the workday in which incentives are being claimed;
  - Rideshare with another City employee;
  - The final destination of the carpool vehicle shall be a City facility for the commute to work, and the final destination of the carpool vehicle for the commute from work shall be a designated “park and ride” site or the ridesharing employee’s home. An employee’s home may be designated as a rideshare site with approval by the Program Coordinator.
- The total number of miles traveled by the carpool vehicle shall not exceed the total number of miles that would have been traveled had the employees commuted separately.

## **2. Incentives**

Employees will be eligible for incentives as determined by the City.

Employees on designated routes may choose to commute in a City run vanpool. These routes shall be designated by the Program Coordinator and shall be based on the number of employees residing in a given area.

Employees who rideshare a designated number of times per quarter shall be eligible for quarterly and/or annual drawings for additional incentives.

## **3. Required Forms**

All employees who wish to participate in this program and claim incentives shall complete the required forms with the Office of Human Resources.

## **Q. RECEIPT OF GIFTS**

The City of Redlands recognizes that gifts or entertainment to employees may be viewed by the public as intending to influence judgment and could possibly cause an employee to be placed in a compromising situation. Therefore, it is the policy of the City to prohibit acceptance of gifts by City employees. While common sense on the part of employees regarding the acceptance of gifts is the



most realistic control, it is helpful to have some specific guidelines to follow which interpret the City's policy. The guidelines listed below are supplemental and in addition to the requirements of the Political Reform Act.

### **1. Donation of Gifts**

Gifts that are consumable or useable on the work premises should be returned to the donor in the spirit in which they were given with a thank you and explanation of why the employee cannot accept the gift as detailed in this policy. If it is not feasible to personally return the gift at the time it is given, the recipient employee may accept the gift upon the condition that the gift shall be donated to a bonafide charitable organization by the employee. Examples of items which fall under this category include plants, candy, baked goods and similar items. An employee who accepts a gift for subsequent donation must complete a gift receipt form within 15 working days. The form identifies the gift, its value, the date received, the donor, and the charitable organization to which the gift was donated by the employee. For gifts which are accepted on the condition that they will subsequently be donated to a charitable organization, the employee should keep one copy, and forward one copy, of the form to the City Manager's Office for recording to ensure consistency for reporting purposes.

### **2. Return of Gifts**

All alcoholic beverages and other gifts which are not consumable or useable on the work premises shall not be accepted and shall be returned to the donor in the spirit in which they were given. If the employee is given a prohibited gift, the employee should respectfully give the gift back with a thank you and an explanation of why the employee cannot accept the gift as detailed in this Policy. If it is not feasible to personally return the gift at the time it is given, the recipient employee shall send the gift back to the donor with a note explaining why it is being returned.

### **3. Exclusions**

This Policy does not pertain to meals or events, although disclosure requirements under the Political Reform Act will still apply. Nor does this Policy prohibit an employee from accepting gifts that are consumable or useable on the work premises, as authorized by the City Manager or his/her designee, from the City or from another employee in recognition of exemplary service or performance of duties.

## **R. DRUG AND ALCOHOL ABUSE**

The City of Redlands, its employees and their representatives, and prospective employees have a vital interest in maintaining safe, healthful, and efficient working conditions. Being under the influence of drugs or alcohol on the job may pose serious safety and health risk, not only to the user, but to co-workers and the public.

### **1. Definitions**

- a. Alcohol is defined as any alcoholic beverage or substance, including any medication or food containing alcohol such that it is present in the body at a level in excess of that stated in the guidelines by the Department of Transportation.

- b. Drugs or controlled substances are defined as any substance which impairs an employee's ability to perform job duties, poses a threat to the safety of the employee or others and their property, or otherwise creates a risk of harm to the City.
- c. Safety-Sensitive Employee is defined as an employee who holds a commercial driver's license and who operates a commercial motor vehicle, on a full-time, part-time or intermittent basis.
- d. Commercial Drivers' License is defined as a Class A or Class B vehicle license.
- e. Reasonable Suspicion is defined as objective facts sufficient to lead a reasonably prudent manager or supervisor to suspect that an employee is under the influence of alcohol and/or drugs so that the employee's ability to perform his/her job functions is impaired or so that the employee's ability to perform his/her job safely is reduced.
- f. Substance Abuse Professional is defined as a licensed physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of clinical experience in the diagnosis and treatment of alcohol and substance abuse.
- g. City Property – any facilities that are owned and/or operated by the City of Redlands.

## **2. Provisions**

This policy applies to all City employees and prospective employees, hereinafter referred to collectively as "employees." Where indicated, some of the policies apply only to safety-sensitive employees. Employees who violate this policy may be subject to disciplinary action, up to and including termination.

## **3. Prohibitions:**

All employees are prohibited from:

- a. reporting to work, including stand by or call-back time, or performing any job duties while their ability to perform job duties are impaired due to on or off-duty alcohol or drug use;
- b. possessing, manufacturing, or using alcohol or impairing drugs, including prescription drugs without a prescription, during working hours, on breaks, during meal periods or at any time while on City property;
- c. directly or through a third party selling, manufacturing, or providing drugs or alcohol to any person, including any employee, while either or both employees are on duty, or on City property;
- d. failing to notify his/her supervisor, before beginning work, when taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of his/her duties or operation of City equipment;
- e. failing to provide, within 24 hours of request, bona fide verification of a current valid prescription for any potentially impairing drug or medication identified when a drug screen/test is positive. The prescription must be in the employee's name;

- f. refusing to immediately submit to any aspect of an alcohol, drug, or controlled substance test required by this Policy, or any tampering, obstruction of or interference with testing procedures;
- g. consuming alcohol, drugs, or controlled substances during the eight hours immediately following an accident in which the employee was involved, or until the employee undergoes a post-accident alcohol or drug test, whichever comes first;
- h. refusing to submit to a search of personal properties when directed by the City, upon reasonable suspicion and in accordance with the Public Safety Officers Procedural Bill of Rights, The Firefighters Bill of Rights and any other applicable laws.
- i. refusing to notify the City of any criminal drug statute conviction, in accordance with the Drug-Free Workplace Act of 1988, of a violation that occurred in the workplace no later than five days after such conviction;
- j. purchasing drugs, excluding prescription and over the counter, and/or alcoholic beverages while in a City uniform or while driving a City vehicle; and
- k. report any violations of this policy by a City employee to a supervisor, Department Director or Human Resources. Such reports shall be confidential with no reprisals.

#### **4. Alcohol and Drug Testing**

In carrying out and enforcing this policy, the City may require the following types of testing:

- a. **Pre-employment Testing.** Following an offer of employment, the City will require all applicants to submit to a test for alcohol and illegal drug use as a condition of employment. Any applicant who refuses to provide consent for this test, or who receives a verified positive result will be disqualified from City employment.
- b. **Reasonable Suspicion Testing and Search.** If a manager or supervisor reasonably suspects that an employee is under the influence of alcohol, drugs or controlled substances while performing his/her job duties or operating City equipment, an employee may be required to submit to an alcohol and/or drug test. Observation shall be based on indicators. Examples of indicators which can form a reasonable suspicion that an employee is under the influence of alcohol, drugs, or controlled substances include, but not limited to, direct observation of the following: changes in appearance, smell, speech, involvement in an accident, difficulty walking, clumsiness, dilated pupils, watery and/or red eyes, or suspicious movement or actions of the employee.

Steps to take when there is reasonable suspicion:

- i. Notify the HR Director, or if the HR Director is not available, a Department Director. Upon approval by the City Manager, or his/her designee, the employee may be

required to submit to an alcohol and/or drug test. An employee's refusal to submit to such a test is cause for discipline, up to and including termination; and

- ii. Document in writing the facts constituting reasonable belief that the employee in question is under the influence of drugs or alcohol.

Moreover, the City reserves the authority to search, without employee consent, and subject to Section 3309 of the Public Safety Officers Procedural Bill of Rights where applicable, all areas of City property.

### **5. Post-Accident Testing**

All employees involved in a vehicle collision may be required to be drug and alcohol tested following a vehicle collision while on City business. Not only may the operator of any involved vehicle be tested, but so may any other employee whose performance may have contributed to the accident, such as the employee who maintains the vehicle or work-site where the accident occurred.

For commercial drivers, post-accident controlled testing, pursuant to this policy, must occur under the following circumstances:

- a. A fatality or serious injury;
- b. If the driver received a citation under State or local law for a moving traffic violation;
- c. Bodily injury to any person, as a result of the injury, receives immediate treatment away from the scene; or
- d. One or more motor vehicles incur disabling damage as a result of the occurrence and such vehicle(s) are towed away from the scene.

If required, drug testing shall occur as soon as practical, but no later than 32 hours after the accident. If the controlled substances test cannot be performed within this time period, the reason shall be documented.

If required, alcohol testing shall occur within 2 hours of the accident. If the alcohol test cannot be performed within this time period the reason shall be documented. In no case shall an alcohol test be administered later than 8 hours past the time of the accident and the reason for delay shall be documented.

### **6. Random Testing**

All City employees in Safety-Sensitive positions will be subject to random alcohol and drug testing. Depending on the random selection, some employees may be tested more than once in a year, while others are not tested at all.

### **7. Testing Procedures**

- a. Testing administrators. The drug or alcohol testing of applicants or employees shall be performed only by a laboratory, a physician or health care professional qualified and authorized to administer and determine the meaning of any test results;

- b. Once a reasonable suspicion determination is made the employee shall be transported to the medical facility for testing. After testing the employee shall be transported home. Under no circumstances shall the employee operate a motor vehicle;
- c. Random testing will be completed on City property. Employees will be transported to the City location, designated by Human Resources, by their manager;
- d. Human Resources shall inform the medical facility when supervisors are transporting an employee for a drug and/or alcohol test and the approximate time of arrival.

#### **8. Consequences of Failing an Alcohol and/or Drug Screen**

An employee whose alcohol test indicates an alcohol concentration level of 0.02% or greater will be removed from his/her duties and will be subject to disciplinary action, up to and including termination. The employee will also be given information to contact a Substance Abuse Professional (SAP).

The SAP will evaluate the employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited substances abuse. Assessment by an SAP does not shield an employee from disciplinary action or termination.

If an employee is allowed to return to duty following a positive test result, he/she must follow the rehabilitation program prescribed by the SAP, pass return-to-duty drug and alcohol tests, and are subject to unannounced follow-up tests for a period of one to five years. The cost of any treatment or rehabilitation services will be the responsibility of the employee. Employees will be required to use all accruals prior to taking unpaid leave time while participating in the prescribed rehabilitation program and or any suspension that may result due to a positive test.

Employees who are allowed to re-enter the work force must agree to a re-entry contract. That contract may include, but is not limited to:

- A release to work statement from an approved Substance Abuse Professional (SAP);
- A negative test result from drugs and or alcohol;
- An agreement to unannounced frequent follow-up testing, as recommended by the SAP;
- A statement of expected work-related behaviors; and
- An agreement to follow specified after care requirements with the understanding that any violation of the re-entry contract is grounds for termination.

After the City has complied with any legal obligation to reasonably accommodate an employee's protected disability, if any, the City may terminate an employee who is unable to perform the essential functions of the job.

## **S. Smoking**

The City is committed to providing a healthful and safe working environment for employees. To maintain this commitment, the City prohibits smoking, including electronic cigarettes, and the use of smokeless tobacco products:

- In areas where fire and/or safety hazards exist;
- As prohibited by law;
- Inside any enclosed facilities that are owned and/or operated by the City of Redlands;
- In City-owned, leased and/or rented vehicles; and
- Within 20 feet of any enclosed facilities that are owned and/or operated by the City of Redlands.

City Council adopted Chapter 8.54 of the Redlands Municipal Code, regulating smoking in public places and places of employment. This policy is consistent with the City's smoking prohibitions and the California Labor Code governing smoking in the workplace.

### **1. Definitions**

- Smoking includes smoking cigarettes, electronic cigarettes, pipes, cigars, all tobacco products and weed or plants of any kind;
- Smokeless Tobacco Products includes chewing tobacco, snuff or oral snuff.

### **2. Provisions**

All employees, officials, volunteers and visitors shall be subject to prohibition of smoking and the use of smokeless tobacco products.

Employees who smoke and/or use smokeless tobacco products shall not exceed the number of breaks allotted for each break as defined in appropriate MOU and/or applicable state and/or federal law.

## **T. OFF-DUTY CONDUCT**

### **1. General Considerations**

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

### **2. Outside Employment**

Employees who hold or wish to hold jobs outside their normal City employment must complete a Request to Engage in Outside Employment Authorization Form with all required signatures and submit the form to their Department Director. Any outside employment will not be permitted if it

conflicts in any manner with the employee's duties and responsibilities with the City or is prohibited by law. Each authorization is valid for one year or as indicated on the authorization form.

### **3. Prohibited Off-Duty Conduct**

Employees may not engage in any employment or activities that create a conflict of interest, is unethical, or otherwise interferes with their City employment. In making a determination as to whether an activity creates a conflict or ethical question, the appointing authority shall consider, among other pertinent factors, whether the activity involves:

- a. Receipt or acceptance by the employee of any money or other consideration from anyone other than the City for the performance of an act that the employee would be required or expected to render in the regular course of City employment;
- b. The performance of an act or work which may later be directly or indirectly subject to the control, inspection, review, audit or enforcement by such employee or other City employees;
- c. Conditions or factors which might directly or indirectly lessen the efficiency of the employee in regular City employment or conditions in which there is a substantial danger of injury or illness to the employee;
- d. The use for private gain or advantage of City time, facilities, equipment and supplies, prestige, influence, or information obtained through one's city office or employment. No city-owned facilities, equipment or supplies, including autos, trucks, instruments, tools, supplies, machines, badges, identification cards, or other items which are the property of the City shall be used by an employee for personal or non-City business reasons except upon approval of the City Manager;
- e. The solicitation of future employment with a firm or individual doing business with the city over which the employee has some control or influence in the course of performing official duties.

## **VII. INFORMATION TECHNOLOGY**

### **A.COMPUTER AND ELECTRONIC COMMUNICATIONS**

The Computer and Electronic Communications Policy ("policy") outlines the policies and guidelines that must be followed at all times to minimize business risks and maximize the benefits of the use of computing and electronic communications resources owned, leased, or controlled by the City of Redlands. This policy establishes standards for the acceptable use of the electronic communications systems of the City.

#### **1. Scope**

The City owns, has a property interest in, and has a right to specify the use of:

- All information processing and communications resources used to conduct its business, including hardware, computers, laptops, fax machines, telephones, cellular phones, smart phones, tablets, printers, copiers, storage media and all other hardware; and non-physical

resources, such as: software, applications, online accounts, email, texts, pings, Internet/Intranet/Extranet access, storage media, network accounts, voice mail and instant messaging files other messages and all other non-physical assets used or stored in its offices and facilities; and,

- All such information processing and communications resources employed in its business that are connected to or able to be connected to its facilities from locations outside of the City's premises, including personal information processing hosted services, and communications equipment and/or software owned or leased by the City or supplied by the City to City personnel for their use.

All such resources are collectively referred to in this policy as "computing and electronic communications resources" or "resources." All other all data processing hardware, software, licenses, and any other physical equipment, electronic accounts, applications, and/or appurtenances required to transact City business electronically not expressly mentioned above also constitute the computing and electronic communications resources at City facilities.

## **2. Usage Rules**

### **a. Ownership**

The City of Redlands owns, leases and has the right to specify the use of all computers and electronic communications resources. No employee has any property interest in the City's electronic communications resources. Examples of electronic communications resources are given in the Computer and Electronic Communications section of the policy. No user should have an expectation of privacy in the use of any city computing and electronic communications resource.

### **b. Authorized Users**

Employees, interns, volunteers, and all other individuals (collectively referred to as "user" or "users") conducting business on behalf of the City of Redlands are eligible to use computing and electronic communications resources but may do so only in accordance with this policy.

### **c. Acceptable Use**

During an employee's designated working hours or working schedule, Authorized Users may only use City-owned or authorized non-City-owned computers and/or electronic communications resources to conduct City business. Examples of legitimate City business use are:

- Performing essential job functions;
- Participating in job-related conferences and discussions or collaborating via resources such as web site, newsgroups, chats, and bulletin boards;
- Performing research, obtaining information or support, or pursuing approved job-related education;
- Promoting and communicating city business or related information.

Usage must also comply with any and all other terms established by the Personnel Rules and Regulations;



Employees requiring remote access to City systems and data will be given access using a virtual private network (VPN) established by the City's Department of Innovation and Technology. VPN connections will only be installed after written authorization from the employee's Department Director and only on City-owned computing equipment. No requests to use personal devices will be granted.

d. Personal Use

The City understands that personal use of certain resources (i.e., cell phones, smart phones) is anticipated to varying extents, however such personal use must adhere to the terms contained in this policy.

The City's computing and electronic communications resources are an asset that must be used primarily for legitimate City business purposes. Significant investments have been committed and are expended to provide these resources to users for conducting City business. Personal use is not forbidden, but such use:

- Must be limited to non-working hours,
  - The exception to this rule is if a mobile phone is assigned to an employee and that employee authorizes a payroll deduction for their personal use. The extent of use depends upon features selected and is clarified by the City Cell Phone Program/Device Acknowledgment Receipt required for all mobile phones assigned to users.
- Must not affect work performance and normal business activities.
- Must not directly or indirectly interfere with the City's operation of computer systems and electronic communications resources or the securing thereof.
- Must not compromise the physical security or reputation of the City.
- Must not burden the City with noticeable costs, or excessively drain network resources (i.e., bandwidth).
- Personal use is not permissible if the use requires substantial expenditures of time, uses for profit or uses that would otherwise violate City policy with regard to employee time commitments or use of City equipment.

e. Account Ownership

The safety and security of the City's computer system must be considered at all times when using computers or electronic communications resources. Authorized users are responsible for their own computer network and software accounts. Authorized users are prohibited from providing their account and password information to any unauthorized person, and from obtaining another user's password by any unauthorized means. Management shall not require or keep lists of user names or passwords. Please reference the City of Redlands Password Policy for further clarification.

- f. **Proprietary or Confidential Information**  
If a user employs City of Redlands computer or electronic communications resources to subscribe or make postings to any Internet newsgroup, social networking site, public forum, blog or mailing list he or she shall not discuss or disclose proprietary or confidential information in any of those places, nor shall he or she disseminate such information through any other means.
- g. **Disclaimers**  
If a user employs City of Redlands computers or electronic communications resources to subscribe or make postings to any Internet newsgroup, social networking site, public forum, blog or mailing list he or she must include a disclaimer stating that views expressed are strictly their own and not necessarily those of the City, unless otherwise authorized.

### **3. Prohibited Activities**

The following uses of the City of Redlands' computing and electronic communication resources are strictly prohibited (certain exceptions may be permitted for police personnel with approval of a supervisor):

- a. Sending, receiving, downloading, displaying, printing, or otherwise disseminating material that is sexually explicit, profane, obscene, harassing, discriminatory, fraudulent, racially offensive, defamatory or otherwise unlawful or contrary to City policy.
- b. Sending, receiving, downloading, displaying, printing or otherwise disseminating confidential information, documents or materials that are not authorized for dissemination.
- c. Misrepresenting an individual's opinion as City policy or the City's position.
- d. Disseminating or storing commercial or personal advertisements, solicitations, promotions, political information or any other unauthorized material.
- e. Promoting private enterprise of any kind or for solicitations unrelated to City business.
- f. Wasting computing and electronic communication resources by, among other things, sending mass mailings or chain letters, forwarding unauthorized attachments, unnecessary printing of email messages, excessive personal use or otherwise creating unnecessary network traffic.
- g. Sending or forwarding email with attachments known or suspected to contain malicious software code, e.g., viruses and worms.
- h. Sending unsolicited email messages, e.g., spam.
- i. Employing a false identity (the name or electronic identification of another) or forging, or attempting to forge any portion of email or instant messages. Authorized users may

not send email anonymously, e.g., when the sender's name or electronic identification is hidden.

- j. Sending email messages using another person's email account.
- k. Downloading files and/or software that contain malicious software code, and may contaminate City information systems and databases.
- l. Using work time to access non-work related information or to "surf" the Internet.
- m. Accessing the Internet through an anonymous proxy server or engaging in any activity that attempts to conceal web surfing or otherwise conceals actions that are prohibited by this policy.
- n. Copying, installing, or using any software or data files that are in violation of applicable copyrights or license agreements.
- o. Copying, installing, or using any software or data files that are not authorized for use by the City.
- p. Use of electronic communications resources by any person who is not an authorized user.

#### **4. Monitoring, Auditing and Access**

The City retains the right to monitor and audit all use of its computing and electronic communications resources, regardless of where such use is initiated. Additionally, the City retains the right to access all data, files and messages stored on, or processed through, its systems. Although the use of passwords and other forms of security are provided for confidentiality, no employee should expect, nor do they have any personal right of privacy with respect to any file or message contained within or processed through the City's computing and electronic communications resources.

This policy distinguishes between access and monitoring. Access involves opening and reviewing the content of files. Monitoring focuses on traffic patterns, general and individual levels of usage, file subjects and types, file origins and destinations, and network efficiency and security. Without providing prior notice, the City reserves the right to review any material created, stored, sent, or received in its computer systems.

##### **a. Purposes**

- Computing and electronic communications resources may be monitored and audited, and computer files may be accessed, by authorized personnel for a number of purposes including:
  - Maintaining and protecting the resources for the benefit of City compliance with law.
  - Undertaking the professional and statutory obligations of the City,
  - Ascertaining and helping to ensure compliance with City policies,
  - Ensuring the proper operation of the resources, and
  - Investigating suspicious circumstances.

Monitoring is used only to obtain information that is relevant to the workplace, and is not used to obtain confidential personal information about employees. The City may engage in monitoring of electronic communications resources or other electronic files created by employees only in specific instances in which it has a legitimate business interest for such monitoring or some legal obligation to do so. In such cases, the City shall limit monitoring to actions reasonably required under the circumstances.

b. Surveillance Software

The City may use system software and software utilities, collectively, "surveillance software," to log, analyze and document use of the resources. Supervisors may receive reports generated by such software. The surveillance software may also be applied to transmissions from the City network between remote locations and from portable devices.

c. Telephone Conversations

In compliance with federal law, audio or video telephone conversations shall not be recorded or monitored without advising the participants unless a court has explicitly approved such monitoring or recording.

d. Monitoring of the Workplace

In order to promote the safety of employees, visitors, and the public in and around City facilities, as well as the security of such facilities, the City reserves the right to monitor any portion of these premises at any time. Monitoring devices may be positioned in appropriate places within and around City buildings and public areas.

Exceptions to this policy include private areas of restrooms, showers and dressing rooms.

e. Litigation Hold Notice

The City has established a procedure for the Notice of Mandatory Preservation of all documents, records, email, and electronic data. As a part of this process, users are to preserve and safeguard, and must not alter, delete, destroy, or discard any electronic documents or data in his or her possession related to such a notice. Certain instances of such a notice may require access to user files relating to the notice for the relevant time period.

f. Employee Location Monitoring

The City reserves the right to monitor the location of City equipment. Locations may be determined within City buildings and along City streets. City-owned vehicles and equipment may be equipped with GPS or similar technology at any time.

Such monitoring technologies assist in maintaining productivity and providing an additionally secure and safe workplace. The City will ensure all location monitoring is for business-related purposes only.

## **B. MOBILE DEVICE POLICY FOR CITY OWNED DEVICES**

The purpose of this policy is to define accepted practices and responsibilities for use of City of Redlands-owned mobile devices for which authorization is given to connect to enterprise systems and the city' network. This policy defines user eligibility and commitment requirements, provides guidance for the secure use of mobile devices. This policy applied to and provides guidelines for all mobile devices, including mobile phones, smart phones and tablets. This policy is intended to be used as a supplement to the Computer and Electronic Communications Policy.

The objective of the City's mobile device policy is to establish the required measures for using mobile devices owned or managed by the City to do business and to access enterprise information or IT resources. This policy is operationalized in a Mobile Device Management (MDM) software used by the Department of Innovation and Technology for the management and administration of mobile devices owned by the city. Software is installed prior to deployment.

Mobile devices are valuable tools used to conduct business. It is the policy of the City to protect and maintain user safety, security and privacy, while protecting enterprise information assets at the same time allowing employees to use these tools. Use of mobile devices supplied by, or funded by, the City shall be primarily for City business.

### **1. Policy Application**

This policy applies to all City of Redlands employees, interns, volunteers, and affiliates that are considered authorized users of the City's systems as defined in the Computer and Electronic Communications Policy.

### **2. Definitions**

- Tablet: a tablet is an open-face wireless device with a touch screen display and with or without physical keyboards. The primary use is the consumption of media; it also has messaging, scheduling, email, and Internet capabilities. Diagonal screen dimensions are typically between 5 inches and 18 inches. Media tablets may have open-source operating systems (such as Android) or a closed operating system under the control of the operating system vendor and/or device make (such as Apple's iOS and Windows). Media tablets may or may not support an application store.
- Mobile Device: This refers to any mobile phone, cellular modem, Smartphone, laptop or tablet.
- Mobile Applications: This refers to software designed for any or all the mobile devices defined in this policy.

### **3. User Roles and Responsibilities**

#### **a. Responsibilities**

- Users must ensure that they comply with all sections in this policy.

- Users must agree to take responsibility for the security of their mobile devices and the information they contain.
- Acceptable forms of security for mobile devices include: configuring a passcode to gain access to and use the device. This helps prevent unauthorized individuals from gaining access to the City's systems and data.
- Set an idle timeout that will automatically lock the device when not in use. This also helps prevent unauthorized individuals from gaining access to the device.
- Mobile devices are issued for business purposes and remain the property of the City.
- When the mobile phone, laptop or portable computing device is allocated, the user assumes responsibility for the physical security of the equipment and information contained within.
- Users are not permitted to authorize purchases or services for their mobile devices, unless such purchases are for City oriented purposes; or if for personal use, the purchases must be made from and linked to a private, non-city account.
- Users must notify The Department of Innovation and Technology and their respective department immediately of loss, theft or damage to a City-owned mobile device.
- Users consent that if the device is lost/stolen the Department of Innovation and Technology (DoIT) may wipe and completely erase all data from the mobile device so as to not jeopardize the security of City data and systems that are accessed from the device. This applies to all City-owned mobile devices, whether or not they are password and lockout protected.

b. Condition

Users must take proper care of their mobile device(s).

c. Cost Control

Users should support efforts to manage device operation costs by ensuring that call minutes, text messages and data usage do not exceed usage plan limits.

When traveling abroad, users should avoid using mobile phones. If mobile phones are used abroad users should:

- Contact The Department of Innovation and Technology prior to travel, if use of the device is essential during their trip.
- Exercise caution to avoid incurring excessive charges and roaming fees when using the mobile device.
- Connect to mobile data networks only when essential.
- Choose Wi-Fi hot spots as the preferred manner of connecting to data networks.
  - Note: If you have a choice, select those hot spots that use some form of encryption. Be sure and set the location to "Public Network."
  - When connected to public Wi-Fi hot spots be cognizant of the fact that any data transferred can easily be intercepted by other Wi-Fi hotspot patrons.

- Use a soft phone or other voice over Internet Protocol (VoIP) solutions when possible.
- d. Loss or Theft
- It is the user's responsibility to take appropriate precautions to prevent damage to or loss/theft of the device.
- If the device is lost, stolen or suspected to be compromised in any way, the user must notify the City's Department of Innovation and Technology and the any carrier for telecom services within 12 hours. The Department of Innovation and Technology then has the authority to wipe the device so as to not jeopardize the security of City data and systems.
- e. Applications and Downloads
- Users must take all reasonable steps to protect against the installation of unlicensed or malicious applications.
- All software on the device must either be provided and installed by The Department of Innovation and Technology or approved for installation by the employee's supervisor. Unmanaged or unapproved installations can constitute a security risk, including the intentional or unintentional spreading of software viruses and other malicious software. If for personal use, as allowed under the Mobile Device Management software and Computer and Electronic Communications Policy, user will perform due diligence to verify downloads are not malicious in nature or would not otherwise expose the City's systems to a security risk.
- Downloading applications from the platform's (e.g., Apple's, Android's) general application store is acceptable, insofar as the application complies with this policy, The Department of Innovation and Technology protocols and the Computer and Electronic Communications Policy.
- Unless approved for work-related use, City procurement credit cards shall not be used for app store purchases nor entered into an app store account. In most cases, work-related apps will be provided under a volume purchase to City employees using an App Store Front for the City. Should a work-related app not be contained in the storefront, the user should contact The Department of Innovation and Technology to make the purchase.
- f. Backup and File Sharing or Synchronization
- Users are required to use approved software for backing up all devices.
- The use of a non-City authorized cloud-based service, such as Apple iCloud, is not permitted for backing up or sharing any City data.
- g. Functionality and Feature Management
- The device operating system shall not be modified, unless required or recommended by the City. The use of devices that are jailbroken, "rooted" or have been subjected to any other method of changing built-in protections is not permitted and constitutes a breach of this policy.
- At the City's request, users are responsible for delivering the mobile device to The Department of Innovation and Technology if and when the device is selected for a physical security audit or is needed for purposes outlined in Section VII. 4 of the Computer and Electronic Communications Policy

- h. **User Safety**  
Users should comply with the safety guidelines defined in the City Employee Policy Manual when using mobile phones in their vehicles.
- i. **Security and Privacy Obligations for City Data**  
Users should recognize that their use of, or access to, data provided by or through the City may be monitored by the City. If personal information is stored on a City device, users should presume that that information may also be monitored, but every attempt will be made to compartmentalize personal data.  
The City will only use mobile device location information in accordance with Section VII.4 of the Computer and Electronic Communications Policy.  
Users must take appropriate precautions to prevent others from obtaining access to their mobile devices.
- Users should not share passwords, PINs or other credentials with anyone.
  - Users should not share City-issued mobile devices with anyone, unless the department has explicitly intended those devices to be shared among multiple staff.
- j. **Exit Obligations for Employees Taking Absence or Separating from the City**  
Any employee who will be taking leave from the City for a period of four (4) or more consecutive weeks shall be notified in writing from the HR Department of the need to surrender to the City any and all City-owned mobile devices in their possession.  
Any employee separating from the City permanently is responsible for surrendering any City-owned mobile device in their possession before the end of their last day of service to the City.

#### **4. Prohibited Uses**

Users are strictly prohibited from using the City of Redlands's information technology and electronic communications systems to transmit, receive, download, view or copy any communication that is fraudulent, harassing, discriminatory, racially offensive, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful or inappropriate. Employees encountering or receiving this type of material should immediately report the incident to the user's supervisor. The City of Redlands recognizes, however, that certain employees may have valid City business reason to use the Internet to access otherwise inappropriate materials in the course of performing their duties. The Mobile Device Management software used by the City may be used to track the use of prohibited content on mobile devices.

The City reserves the right to deploy industry standard Mobile Device Management (MDM) software for the express purpose of monitoring and managing city owned devices to ensure the integrity of the city's network and data resources.

#### **5. Data and System Security**

- a. **Data Security**  
All mobile devices connecting to the City's network or accessing City information must meet the following security requirements:



- It is highly encouraged that all City mobile devices must be secured with a PIN, password or a pattern-screen lock when powering on the device or when left unattended, wherever possible.
  - It is highly encouraged that all City mobile devices must be configured to automatically lock after a period of inactivity, wherever possible.
  - Device users must comply with The Department of Innovation and Technology directives regarding updating or upgrading system software, and must otherwise act to ensure security and system functionality.
- b. Physical Security
- Mobile device users must comply with physical security requirements when equipment is at the user's workstation, when traveling, or when working in the field or at a job site. Users must take the following preventative measures defined in this policy to protect City data and systems:

- Mobile devices must not be left in plain view in an unattended vehicle, even for a short period of time.
- Mobile devices must not be left in a vehicle overnight.
- A mobile device displaying sensitive information being used in a public place must be positioned so that the screen cannot be viewed by others.
- The device must be physically secured when it is left unattended outside the immediate work area for any extended period.
- In vulnerable situations (e.g., public areas), the mobile device must not be left unattended under any circumstance.
- Mobile devices should be carried as hand luggage when traveling and never checked as baggage.
- The employee will be responsible for the replacement or repair of the City-owned mobile device if it is damaged or lost as a result of the employee's negligent or intentional conduct.

The employee's department will be financially responsible for the replacement or repair of the City-owned mobile device if it is damaged, stolen or lost.

### **C. PASSWORD POLICY**

Passwords are an important part of the City of Redlands' efforts to protect its technology systems and information assets by ensuring that only approved individuals can access these systems and assets. Passwords are used for various purposes at the City. Some of the more common uses include: user level accounts, web accounts, email accounts, screen saver protection, voicemail password, and network equipment logins.

The City of Redlands recognizes, however, that passwords have limits as an access control. For some systems, other approved authentication methods that provide higher levels of assurance and accountability than passwords will be used.

However, the City of Redlands key systems continue to utilize passwords as the primary method for authentication and access control. This policy is designed to establish best practices for the composition, lifecycle and general usage of passwords.

### **Policy Application**

The scope of this policy includes all personnel who have or are responsible for an account (or any form of access that supports or requires a password) on any system that resides at any City facility, has access to the City network, or stores any non-public City information (excluding the Police Department network and systems). This policy applies to all City of Redlands employees that are considered authorized users of the City's systems as defined in the Computer and Electronic Communications Policy. City Department of Innovation and Technology (DoIT) staff has specific additional responsibilities.

### **Systems Covered**

The following systems are covered in this policy:

- Windows Network (Microsoft Windows Active Directory) or systems that utilize Microsoft Windows Active Directory authentication and access control.
- Systems that use Simple Network Management Protocol (SNMP).
  - Examples of such systems include: Microsoft Outlook, email Over the Web Access (OWA), user desktops, virtual private networks (VPN), Laserfiche, Cityworks, ArcGIS, etc.

Passwords for other systems should also follow this policy whenever possible.

### **Principles**

- Password Confidentiality  
To provide authentication effectively, it is essential that a password be known to only the individual user, unless there are delegates to or sharers of accounts. Users will ensure the confidentiality of their passwords at all times.
- Password Construction  
To provide system security, a password must meet minimum length and complexity requirements. Because of technology constraints, password construction rules may vary from one system to another, but they will meet (or exceed) these requirements wherever possible.  
Long and complex passwords may be difficult for users to remember. Therefore this policy provides guidance to end users on how to construct a memorable password that meets (or exceeds) these requirements.
- Password Construction Rules  
A password must be made up of:
  - Eight (8) or more characters.
  - At least one uppercase letter.
  - At least one lowercase letter.
  - At least one number (0 through 9).
  - At least one special character (\$, @, # and so on).

A password should not contain:

- Your first name or your last name.

- Names of family members, friends, pets, co-workers, fantasy characters, etc.
  - Personal information about yourself or family members. This includes generic information that can be obtained about you very easily, such as birth date, phone number, vehicle license plate number, street name, apartment/house number, etc.
  - Computer terms and names, commands, sites, companies, hardware, or software.
  - Words that are in the dictionary or are a word in any language.
  - Words that are slang, dialect, jargon, etc.
  - Geographical names or places.
  - Letter or number patterns like aaabbb, qwerty, zyxwvuts, 123321, etc.
  - Any of the above spelled backwards.
  - Any of the above preceded or followed by a number (e.g., secret1, 1secret).
- Password Construction Recommendations
    - A strong password that meets the minimum construction rules will be rather complex. Here are some recommendations on creating a strong password:
    - Use uppercase letters in random places.
    - Misspell words.
    - Construct a password from the initial letters of a favorite quotation, song lyric, movie and so on, capitalizing some letters and substituting a number or special character in an appropriate place.

- Password Change and Reuse

To minimize the window of opportunity for misuse by someone who has discovered a user's password, users will be forced to change their passwords periodically.

A user's new password will be completely different from any recently used password. Users must create a new password that has no more than three (3) characters in common with a previous password.

A user will be free to choose a new password at anytime, but a user may not perform multiple changes in quick succession in order to enable continued use of a recently used password.

- Password Change and Reuse Rules

- A user must change his or her password a minimum of every 90 days.
- A user may not change his or her password more than once in two (2) days.
- A user's password must be different from his or her previous four (4) passwords.

- **Password Entry**  
A system will allow five (5) login attempts (“grace logins”). If the password is not correct on the last allowed attempt, then the user’s account will be locked out for a 15-minute wait period before it can be accessed again. Typically, The Department of Innovation and Technology should be contacted to unlock the account unless there is a legitimate attempt to break in.

#### **4. Authorized End Users’ Responsibilities**

If you are an authorized end user of the City of Redlands’ software systems, you have the following responsibilities regarding the passwords you use. Note that these responsibilities apply even if the system does not enforce any specified rules.

- You must keep your password confidential at all times.
- You should not disclose your password to anyone or talk about a password in front of others.
- You should not hint at the format of a password to anyone.
- You should not use a password that you use on any City of Redlands system on any external system (including Internet banking and social networking services).
- You should not write down your password.
- You should not reveal your password on questionnaires or security forms.
- You should not use the “remember password” feature in any Web browser.
- You should not send a password electronically.
- You should not use any “password keeper” or “password wallet” software or service.
- You must choose a password that meets or exceeds the length and complexity requirements set out in the Password Construction Recommendations.
- You must choose a password that meets or exceeds the other requirements set out in the Password Construction Recommendations.
- You must change your password at least every 90 days.
- You should not use any of your previous four (4) passwords.
- You must choose a new password that has no more than three (3) characters in common with your previous password.
- You should not change your password more than more than once in two (2) days.
- If an account or password is suspected to have been compromised, you must report the incident to the Department of Innovation and Technology and change all passwords.
- When away from your workstation, you should lock your screen. The Department of Innovation and Technology has implemented a screen lock policy which will lock your screen when idle for more than twenty minutes.

#### **5. Department of Innovation and Technology (DoIT) Staff Responsibilities**

The City of Redlands Department of Innovation and Technology or its delegates have the following responsibilities regarding passwords on City systems:

- User Password Management

- When a user asks to reset his or her password, the user’s claimed identity must be corroborated in line with approved departmental procedures.
- A user’s new password must not be disclosed to anyone other than the user himself or herself.
- A user’s new password must not be written down.
- A new password must not be sent to a user electronically.
- A user must not be asked to disclose his or her password.
- System-level Password Management
  - System-level passwords must conform to the guidelines described below.
  - All system-level passwords (e.g., root, enable, admin, application administration accounts, etc.) must be changed annually.
  - All production system-level passwords must be part of the DoIT administered global password management database.
  - Where Simple Network Management Protocol is used, the community strings must be defined as something other than the standard defaults of “public,” “private” and “system” and must be different from the passwords used to log in interactively. A keyed hash must be used where available (e.g., SNMPv2).
  - As a part of the device security hardening process, all passwords must be changed from the default password.

## **6. Application/System Standards**

Applications developed or purchased by the City should ensure their programs contain the following security standards. Applications should:

- Support authentication of individual users, not groups.
- Not store passwords in clear text or in any easily reversible form.
- Provide for some sort of role management, so that one user can take over the functions of another without having to know the other’s password.
- Support Remote Authentication Dial In User Service (RADIUS), X.509 with Lightweight Directory Access Protocol (LDAP) security retrieval, and/or Active Directory integration wherever possible.

## **VIII. DISCIPLINARY ACTION**

### **A. POLICY ON DISCIPLINE**

No full-time employee in a regular appointment shall be disciplined without cause. Probationary employees are subject to termination without cause. For purpose of this Article, disciplinary action shall be defined to include one or more and the following: oral warning, written reprimands, suspensions, demotions, reductions in pay and discharge. Oral and written reprimands may be initiated at supervisor/division manager level. Disciplinary action more serious than a written reprimand must be initiated at the Department Director level. Any Skelly-level discipline must have Human Resources

approval. Nothing in this section is designed to negate any protections set for in the Public Safety Officers Procedural Bill of Rights Act or the Firefighters Procedural Bill of Rights Act.

Definition of disciplinary action:

- a. Oral warning. A supervisor may provide an employee an oral warning for cause.
- b. Written Reprimand. A supervisor may issue a written reprimand to an employee for disciplinary purposes. Such reprimand shall be in writing and shall be provided to the employee, and employee shall acknowledge receipt of such reprimand. A copy of the reprimand shall be placed in the employee's personnel file.
- c. Suspension. A suspension is a temporary "without pay" status imposed as a penalty for an offense where the cause is not severe for dismissal. A suspension may be issued by the Department Director. Suspensions shall be handled in conformance with Article VIII. Disciplinary Action, Section C. Appeal of Disciplinary Action. A copy of the suspension shall be placed in the employee's personnel file.
- d. Demotion/Reduction in pay. The Department Director, after review with Human Resources, may demote or reduce the salary of an employee whose ability to perform the required duties for the position falls below minimum performance requirements or for disciplinary purposes. Demotions shall be handled in conformance with Article VIII. Disciplinary Action, Section C. Appeal of Disciplinary Action. A copy of the demotion shall be placed in the employee's personnel file.
- e. Discharge. The Department Director, after review with Human Resources, may discharge an employee from a position for disciplinary purposes. A discharge shall be handled in conformance with Article VIII. Disciplinary Action, Section C. Appeal of Disciplinary Action. A copy of the demotion shall be placed in the employee's personnel file.

## **B. NOTICE OF PROPOSED DISCIPLINE**

Except in emergencies, or as authorized by law, Skelly-level suspensions, demotions, reductions in pay, or discharge, shall not be put in effect until the employee has received written notice advising the employee of the proposed action, the reason(s) therefore, the facts giving rise thereto, the proposed effective date, access to written material that formed a basis of the proposed action, and the opportunity to respond to the Department Director orally or in writing within five (5) working days, or other response deadline as specified in a Council approved Memorandum of Understanding, of receipt of such notice. If deemed necessary by the Department Director or the Office of Human Resources, an employee may be placed on administrative leave with pay pending investigation of allegations that may lead to discipline

## **C. APPEAL OF DISCIPLINARY ACTION**

If a disciplinary action of suspension of forty hours or more, reduction in pay (equal to a forty-eight-hour or more suspension), demotion, or discharge is imposed, the employee may then appeal, prior to

implementing such action to the Department Director. Any such appeal must be filed within 5 working days of the notice of the disciplinary action, or in accordance with a Council approved Memorandum of Understanding as it relates only to the timing of filing an appeal.

Upon unresolved consensus concerning the disciplinary action, an appeal may be made to the City Manager as the second step. However, execution of the notice of intent will be implemented after the first step (Department Director level). Should the disciplinary action still be unresolved after the second step, the discipline can be appealed to one final step. The third and final step is a hearing in front of the City Council. The City Council's decision on the disciplinary action is final and binding.

Any appeal of disciplinary action not resolved at Level 2 may be submitted to the City Council no later than 10 working days after the date of the City Manager's written reply. The employee shall provide the City Council with a copy of the Level 2 response. Within 10 working days thereafter, the City Council or its designee, shall schedule a hearing before the City Council or designee in which the parties to the notice of disciplinary action may present evidence. The City Council shall give the grievant a written decision within 30 days after the hearing and shall file a copy with the HR Director. The decision shall be based upon the oral and written evidence submitted at the hearing. The decision of the City Council shall be final and binding.

#### **D. CAUSES FOR DISCIPLINE**

Examples of causes for disciplinary action include, but are not limited to:

- a. Dishonesty;
- b. Incompetence;
- c. Inefficiency;
- d. Neglect of duty;
- e. Negligence which affects the safety of the employee or of others;
- f. Violation of any City policy, rule or requirement;
- g. Unauthorized absences (including tardiness) or abuse of sick leave or any other leaves;
- h. Violation of these Rules, or other rules, regulations or orders established by a supervisor, department or City Council.
- i. Conviction of a crime that interferes with employment;
- j. Discourtesy to the public or fellow employees;
- k. Misuse or abuse of City property or equipment;
- l. Substandard job performance;
- m. Insubordination;
- n. Any activities, including outside employment that create a conflict of interest with City employment and are not specifically authorized by the Department Director;
- o. Falsification of any City report or record (including job application);

- p. Other acts which are incompatible with service to the public including, but not limited to, any conduct or behavior, either on or off duty, which causes discredit or would reasonably tend to cause discredit to fall upon the City, its officers, agents or departments.

## **IX. GRIEVANCE PROCEDURE**

This grievance procedure is intended to ensure that every reasonable effort will be made to resolve problems as near as possible to the point of origin.

### **A. DEFINITIONS**

Grievance is defined as any dispute involving the interpretation, application, or alleged violation of:

1. The specific express terms of a current MOU, between the City and a recognized employee organization representing employees in the competitive service, to which the grieving employee is subject to;
2. A specific express term of these Rules;
3. A violation of any rule, policy, or regulation.

### **B. ELIGIBILITY TO FILE A GRIEVANCE**

A grievant is a full-time employee in a regular appointment who is adversely affected by an act or omission of the City. No other individuals are eligible to file a grievance under this rule. A grievant may also be a recognized employee organization representing employees.

### **C. EXCLUSIONS FROM THE GRIEVANCE PROCEDURE**

The following matters are excluded from the definition of a grievance:

1. Request for changes in wages, hours, or working conditions;
2. The content of employee evaluations or performance reviews, except those that result in a loss of benefits to the employee;
3. Challenges to reclassification, layoff, transfer, denial of reinstatement;
4. Challenges to examinations or appointment to positions; and
5. Challenges to this grievance procedures.

### **D. GRIEVANCE PROCEDURE**

The grievance procedure shall consist of the following steps:

#### **1. Informal Grievance Procedure**

Within 10 working days of the act(s) or omission(s) giving rise to the grievance, the grievant must discuss the grievance with his or her immediate supervisor, who will investigate and attempt to resolve the matter. The supervisor shall give the grievant an oral or written reply



within ten (10) working days after the discussion. If the grievant is not satisfied with the reply, he or she may proceed to the Formal Grievance Procedure.

## **2. Formal Grievance Procedure**

### **a. First Level Review – Supervisor Review**

Any grievance not resolved by the Informal Grievance Procedure, may be submitted in writing by the grievant to his/her immediate supervisor or Department Director along with a copy to the HR Director, no later than ten (10) working days after the date of the oral or written reply. A grievance may be submitted directly to the HR Director or, if the grievance started at a level above the supervisor or department, the grievance may be submitted at the higher level. The written grievance must contain the following information:

- i. Name of grievant and job title;
- ii. Department in which grievant works;
- iii. The specific act or omission which gave rise to the alleged violation, misinterpretation, or misapplication and the date or dates of the alleged act or omission;
- iv. The specific provision(s) of the MOU, the City Policy or Personnel Rules alleged to have been violated, misinterpreted, or misapplied;
- v. A list of the documents, witnesses or other evidence that support the grievance;
- vi. Desired solution or remedy;
- vii. Name of the grievant's representative, if any;
- viii. Signature of the grievant or representative and date signed.

Within ten (10) working days thereafter, the responder shall schedule a meeting with the grievant to work at resolving the grievance. The supervisor shall give the grievant a written reply within ten (10) working days after the meeting and shall file a copy with the HR Director. If the grievant is not satisfied with the response, he/she may proceed to Level 2.

### **b. Second Level – Department Director Review**

Any grievance not resolved at Level 1 may be submitted to the Department Director no later than ten (10) working days after the date of the supervisor's written reply. The grievant shall provide the Department Director with a copy of the Level 1 response. Within the (10) working days thereafter, the Department Director shall schedule a meeting with the grievant to work at resolving the grievance. The Department Director shall give the grievant a written reply within ten (10) working days after the meeting and shall file a copy with the HR Director. If the grievant is not satisfied with the response, he/she may proceed to Level 3. If the grievant's immediate supervisor is a Department Director, then the second level is skipped. The grievant will move to level three upon an unresolved grievance at the first level.

c. Third Level – City Manager

Any grievance not resolved at Level 2 may be submitted to the City Manager no later than ten (10) working days after the date of the Department Director’s written reply. The grievant shall provide the City Manager with a copy of the Level 2 response. Within ten (10) working days thereafter, the City Manager shall schedule a meeting with the grievant to work at resolving the grievance. The City Manager shall give the grievant a written reply within ten (10) working days after the meeting and shall file a copy with the HR Director. If the grievant is not satisfied with the response, he/she may proceed to Level 4.

d. Fourth Level – City Council

Any grievance not resolved at Level 3 may be submitted to the City Council no later than ten (10) working days after the date of the City Manager’s written reply. The grievant shall provide the City Council with a copy of the Level 3 response. Within ten (10) working days thereafter, the City Council, or its Designee, shall schedule a hearing before the City Council or Designee in which the parties to the grievance may present evidence. The City Council shall give the grievant a written decision within 30 days after the hearing and shall file a copy with the HR Director. The decision shall be based upon the oral and written evidence submitted at the hearing. The decision of the City Council shall be final and binding.

## **E. REPRESENTATION**

The grievant is entitled to representation of his/her choice at any point in the grievance procedure. If the representative is a fellow employee, that employee will receive time off from his/her work assignment for the time of the grievance meeting(s) or hearing plus reasonable travel time. The grievant must inform the Office of Human Resources whether he/she will be represented at the grievance meeting, along with the identity of the representative, at least 48 hours prior to the grievance meeting.

## **F. SETTLEMENT OF GRIEVANCE**

Failure by the grievant to appeal his or her grievance to the next step within the specified time limits of this rule shall constitute a settlement of the grievance, unless the Parties have granted an extension of time to a definite date. Failure by the City to meet any of the specified timelines shall entitle the grievant to appeal to the next level of review.

Additionally, failure on the part of an employee or his representative to appear for any scheduled meeting without notification may, in the City’s discretion, be deemed a settlement of the grievance.

## **G. NO RETALIATION**

Employees will not be penalized or retaliated against in any way for using the grievance procedures, testifying as a witness or assisting with a grievance.

## X. LEAVES OF ABSENCE

### A. ELIGIBILITY FOR PAID LEAVES OF ABSENCE

In order to be eligible for City payment of the paid leaves of absence outlined herein or subsequently granted by the City, an employee must be a full time employee and either a regular or probationary appointee, except as required by law. Any leave of absence, outside of pre-approved vacation or holiday time, by an employee that exceeds thirty (30) consecutive calendar days will result in a proportionate adjustment to the employee's performance evaluation date for all purposes, including consideration of a merit salary increase as allowed by law.

### B. VACATION

#### 1. Rate of Accrual

Every full time probationary and regular employee shall earn vacation as follows unless otherwise specified by an applicable M.O.U.:

Years	Hours
0 – 5	80
6 – 7	120
8 – 9	128
10 – 11	136
12 – 13	144
14 – 15	152
16 – 20	160
21	168
22	176
23	184
24	192
25	200

Vacation accrues daily on a pro-rata basis.

#### 2. Scheduling Vacation

After completion of six months of continuous service, an employee may take vacation leave at any time, subject to approval by the employee's Department Director or his/her designee. Approvals will be based upon work load, staffing coverage, seniority, timing of the request, and any other work-related factors appropriate for consideration by the Department Director. Vacation must be taken in increments of one half hour or more, unless otherwise approved.

#### 3. Effects of Holidays on Vacation Leave

In the event that an authorized city holiday falls during an authorized vacation leave, the employee shall receive holiday pay and not be charged vacation leave for that day.

#### **4. Effects of Sick Leave on Vacation Leave**

In the event an employee becomes ill during a vacation period, such time shall not be charged as vacation leave if either of the following conditions is met:

- a. The employee complies with the same notice requirements in Rule X.D (Sick Leave) as required when the employee is not on leave, including notice to the employee's supervisor no later than the start of the employee's regular work shift. If the employee becomes ill after the start of the work shift, then the employee must promptly provide notice on the same day the illness begins. Sick leave will only be granted for those day on which notice is given pursuant to this policy; or
- b. The employee, upon return to work, submits a doctor's note for each day requested to be paid as sick leave.

#### **5. Compensation for City Work During Vacation is Prohibited**

No employee shall be permitted to work for compensation for the City in any capacity except compensation for mandated court appearance or special duty assignments during paid vacation time.

#### **6. Vacation Pay Upon Termination**

Any employee terminating from the City will be paid at his/her regular rate of pay on a pro rata basis for all earned vacation, if any, accrued up through the date of termination.

### **C. HOLIDAYS**

#### **1. Authorized Holidays**

Every full time probationary and regular employee shall be entitled to the following paid holidays each calendar year and such other days as may be designated by action of the City Council:

- January 1 (New Year's Day)
- The third Monday in January (Martin Luther King Day)
- The third Monday in February (President's Day)
- The last Monday in May (Memorial Day)
- July 4 (Independence Day)
- The first Monday in September (Labor Day)
- The second Monday in October (Columbus Day)
- November 11 (Veteran's Day)
- Thanksgiving Day
- The Friday after Thanksgiving Day
- December 24 (Christmas Eve)
- December 25 (Christmas Day)

If a holiday falls on Saturday, Friday shall be designated as the holiday, and if the holiday falls on Sunday, Monday shall be designated as the holiday.

Employees who are absent from work on a holiday due to unpaid leave of any form will not be paid for the holiday. Employees who are required to work on a holiday will receive holiday pay in addition to any hours worked.

## **2. Holiday Worked Pay**

Non-exempt employees who actually work on an above listed holiday will receive holiday worked pay at one half times their normal hourly rate for all hours worked. Holiday worked pay will only be paid on the actual calendar holiday and not for observed holidays if the holiday falls on a weekend. For example if Independence Day falls on a Saturday, only those employees actually working on that Saturday will receive holiday worked pay. If Friday is the recognized holiday that year, those working on Friday will not receive holiday worked pay. If an employee's shift extends beyond midnight of the actual holiday, holiday worked pay will only apply to those hours worked on the actual holiday. For sworn Fire personnel, holiday worked pay will be paid for the entire 24 hour shift that begins on the actual holiday.

## **3. Floating Holidays**

Full time probationary and regular employees shall receive floating holidays each calendar year as granted in a Council approved Memorandum of Understanding and pro-rated to the date of hire. Floating holiday hours that are not used will not carry over to the following year. No employee may accrue any more than four floating holidays at any one time. The floating holidays may be used at any time subject to two days advance approval unless waived by the Department Director. In the event of termination, employees will receive payment for all unused floating holiday hours.

## **4. Banked Holidays**

Non-exempt employees who are normally scheduled off on a day in which a holiday is observed have the option to bank their holiday pay for future paid time off. Exempt employees who are normally scheduled off on a day in which the holiday is observed, shall bank their holiday hours for future paid time off.

# **D. SICK LEAVE**

## **1. Accrual of Sick Leave**

Full time probationary and regular employees only are eligible to accrue eight (8) hours of sick leave with pay for each calendar month of actual continuous service dating from the employee's most recent date of hire. Part time employees will accrue sick leave as required by state or federal law.

An employee shall not receive payment for unused accumulated sick leave upon termination of employment or retirement (either disability or service retirement) unless specifically provided for in an applicable Memorandum of Understanding. An employee may not use sick leave to extend a retirement or termination date, unless specifically provided for in an applicable Memorandum of Understanding, State, or Federal law.

## **2. Return to Work from Sick Leave**

If an employee misses 3 or more days of work due to illness, the employee will be required to provide a return to work certification from a licensed physician to the Office of Human

Resources before returning to work. The City may require the employee to see a physician chosen by the city to conduct a fit for duty examination at the City's expense.

### **3. Use of Sick Leave for Family**

In cases of illness of a family member, an employee may use up to one-half of their sick leave entitlement for the year to attend to the illness of a spouse, domestic partner, parent, or child. Additional family sick leave usage for special circumstances may be granted on a case by case basis in the discretion of the Department Director with the concurrence of the City Manager.

### **4. State Disability Insurance (SDI) and Paid Family Leave**

SDI and Paid Family Leave provide benefits to eligible employees but do not provide job protection or return to work rights. Eligible employees as determined by the State will receive a percentage of their regular pay under both SDI and Paid Family Leave. Payroll shall, when contacted by the State in determining eligibility, verify an employee's salary and last day worked.

Benefits begin the day after a mandatory 7-day waiting period for SDI only. With eligibility established, an employee may:

- a. Receive benefits for up to fifty-two (52) weeks for SDI; receive benefits for up to eight (8) weeks for Paid Family Leave.
- b. Receive benefits based on the wages paid during a twelve (12) month base period.
- c. Receive full pay as long as accrued leave is available to supplement SDI payments.

An employee with sick leave accruals available must use their accruals in conjunction with SDI benefits until exhausted. When sick leave is exhausted, an employee shall be required to use all other available leaves such as vacation, CTO, or executive leave until such time is exhausted.

State law prohibits an employee from receiving more than 100% of salary in combined sick/vacation leave and SDI/Paid Family Leave benefits. The employee must provide verification of such payment from the State Employment Development Department (EDD) to the payroll section of Finance. When all available leave balances are exhausted, the employee shall be placed in "inactive" status. Should any discrepancy exist between this policy and the State Unemployment Insurance Code, the State Unemployment Insurance Code will prevail.

## **E. FAMILY AND MEDICAL LEAVE**

The federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) provide eligible employees the opportunity to take unpaid, job-protected leave for certain medical and nonmedical needs for themselves and family members. Although these laws are summarized below, any conflict between those laws and the summary below shall be resolved in favor of said laws. The maximum amount of leave available under these laws is twelve (12) weeks of CFRA leave in a 12-month period and twenty-six (26) weeks of FMLA leave (where military caregiver leave applies) in a 12-month

period, some or all of which may run concurrently. Employees with any questions or requests for information about family and medical leave should consult with the Office of Human Resources.

**1. Eligibility**

To be eligible for leave under this policy, employees must meet all of the following requirements:

- a. Have worked at least twelve (12) months for the City. Separate periods of employment will be counted, provided that the break in service does not exceed seven years.
- b. Have worked at least 1,250 hours in the twelve (12) months preceding the date the leave would commence. The 1,250 hours do not include time spent on paid or unpaid leave and will not be counted in determining the 1,250 hours requirement.
- c. FMLA only: Currently work at a location where there are at least fifty (50) employees within seventy-five (75) miles.

All periods of absence from work due to or necessitated by service in the uniformed services are counted as hours worked in determining eligibility.

Leave under the FMLA or CFRA will not constitute a break in service or cause an employee to lose seniority.

**2. Reasons for Leave**

The FMLA and CFRA have differing definitions of “family member” and only the FMLA allows employees to take up to twenty six (26) weeks of leave to provide care for an injury military family member. Because of this, FMLA and CFRA leaves may not always runs concurrently. In general, CFRA/FMLA leave may be taken for any of the following reasons:

Reasons for Leave (See related definitions at the end of the policy.)		CFRA	FMLA	Both
To care for or bond with:	An employee's newborn child or newly place foster or adopted child.			X
	A domestic partner's newborn child or newly placed foster or adopted child.	X		
To care for a family member with a serious health	Spouse, parent or child under age 18, or age 18 or older who is incapable of self-care.			X

condition who is the employee's:	A domestic partner, child or registered domestic partner's child of any age, sibling, grandparent, or grandchild.	X		
The employee's own serious health condition that makes the employee unable to perform his or her job, excluding leave for the medical disability related to pregnancy and birth.				X
The employee's own medical disability related to pregnancy and birth.			X	
A qualifying military exigency related to the covered active duty or call to covered active duty of an employee's spouse, parent or child in the United States armed forces.				X
Military caregiver leave for a service member with a serious health condition (defined under "Definitions") who is the employee's spouse, domestic partner, child, parent or next of kin.*			X	

\*CFRA leave will run concurrently when the family member, regardless of military status and with the exception of next of kin, meets the standard criteria for a serious health condition.

### 3. 12-Month Measurement Period

The City measures the period of twelve (12) months in which leave is taken by a rolling 12-month period measured back from the date leave is taken. Each time an employee takes eligible leave, the remaining leave entitlement is based on the amount of leave taken during the immediate preceding twelve (12) months.

For military caregiver leave, an eligible employee may take up to twenty-six (26) workweeks of leave in a single 12-month period. The single 12-month period begins on the first day leave is taken to care for a covered service member and ends twelve (12) months thereafter, regardless of the method used to determine leave availability for other CFRA/FMLA-qualifying reasons.

### 4. Intermittent and Reduced-Schedule Leave

Eligible employees may take leave in a single block of time, intermittently (in separate blocks of time) or by reducing the normal work schedule. Intermittent leave to bond with a new



child must be taken in two-week increments, with a shorter duration allowed on two occasions.

Employees who require intermittent or reduced-schedule leave must try to schedule their leave so that it will not unduly disrupt City operations.

#### **5. Interaction with Paid Leave**

Depending on the purpose of the leave request, the City may require that employees use accrued paid leave (such as sick leave, vacation or paid time off) concurrently with some or all of the leave taken under this policy. To use paid leave for FMLA/CFRA leave, eligible employees must comply with the City's normal procedures (e.g., call-in procedures, advance notice) for the applicable paid-leave policy. When the leave request is for the serious health condition of a covered family member, employees will only be required to exhaust up to ½ of their annual sick leave entitlement.

Employee paid-leave accruals (paid time off, vacation, sick leave) will continue while paid leave is being used during periods of FMLA/CFRA absence and in accordance with those individual policies.

Employee paid-leave accruals will not continue during unpaid periods of FMLA/CFRA absence or when only disability payments are being received.

#### **6. Maintenance of Health Benefits**

If employees and/or their families participate in the City's group health plan, the City will maintain coverage during FMLA/CFRA leave on the same terms as if employees had continued to work. If applicable, employees must make arrangements to pay their share of health plan premiums while on leave. In some instances, the City may recover the premiums it paid to maintain health coverage or other benefits for employees and/or their families while employees were absent.

While on unpaid leave, employees do not accrue vacation, sick, or other paid leave time, unless they are substituting accrued leaves for compensation. Performance evaluation dates may be adjusted to the same extent as any other unpaid leaves.

While on leave, employees may participate in life insurance, short term or long term disability insurance and supplemental benefits plans to the same extent as any other unpaid leaves. The employee is responsible for paying required premiums. Failure to pay premiums may result in cancellation of coverage.

Employees may continue coverage on their own by payroll deductions or direct payments made to these plans. The City will inform employees whether the premiums should be paid to the carrier or to the City. Coverage by a plan may be dropped if employees premium payment is more than thirty (30) days late. The City will notify the employee fifteen (15) days before coverage will cease. Employee contribution rates are subject to any change in rates that occurs while the employee is on leave.

If an employee fails to return to work after his or her leave entitlement is exhausted or expires, the City will have the right to recover premiums through deduction from any sums due the employee (e.g. unpaid wages, vacation pay, etc.)

## **7. Procedures**

When seeking leave under this policy, employees must provide the following to the Office of Human Resources:

- A. Thirty (30) days' notice of the need to take FMLA/CFRA leave if the need for leave is foreseeable. In the case of unforeseeable leave, notice must be provided as soon as practicable and in compliance with the City's normal call-in procedures, absent unusual circumstances.
- B. Medical certification supporting the need for leave due to a serious health condition affecting the requesting employee or a covered family member or service member within fifteen (15) calendar days of the City's request for the certification. If the City has reason to doubt the validity of the certification provided, the City may require, at the City's expense, that the employee obtain the opinion of a second health care provider, designated and approved by the City. If the second opinion differs from the original certification, the City may, at the City's expense, require that the employee obtain a third opinion of a health care provider, designated and approved jointly by the employer and the employee. The opinion of the third health care provider shall be considered final.
- C. For qualifying exigency leave: Within fifteen (15) days of the request, an employee requesting qualifying exigency leave may be required to provide appropriate supporting documentation in the form of a copy of the covered military member's active duty orders or other military documentation indicating the appropriate military status and the dates of active duty status, along with a statement setting forth the nature and details of the specific exigency, the amount of leave needed and the employee's relationship to the military member.
- D. An employee must provide periodic reports as deemed appropriate during the leave regarding the employee's status and intent to return to work, not more than every thirty (30) days.
- E. A return-to-work release before returning to work if the leave was due to the employee's serious health condition and the leave was three days or more.

Failure to comply with these requirements may result in delay or denial of leave or disciplinary action, up to and including termination. Leave under this policy will be governed by and handled in accordance with CFRA- and FMLA-applicable regulations, and nothing within this policy should be construed to be inconsistent with those regulations.

## **8. Employer Responsibilities**

To the extent required by law, the Office of Human Resources will inform employees whether they are eligible for leave under the FMLA/CFRA. Should employees be eligible for FMLA/CFRA leave, the Office of Human Resources will provide eligible employees with a notice that specifies any additional information required, as well as their rights and responsibilities. Under CFRA, if the employee's leave is approved, it will be retroactive to the first day requested. The Office of Human Resources will also inform employees if leave will be designated as FMLA/CFRA-protected and, to the extent possible, note the amount of leave counted against employees' leave entitlement. If employees are not eligible for FMLA/CFRA leave, a reason for the ineligibility will be provided to the employee.

## **9. Reinstatement upon Return from Leave**

Upon returning from FMLA/CFRA leave, employees will be restored to their original position or to an equivalent position, subject to the defenses permitted under the law, with equivalent pay, benefits, shift, schedule, geographic location, privileges, status, and other employment terms and working conditions and involve the same or substantially similar duties and responsibilities and must require substantially equivalent skill, effort, and authority. Employees have no greater rights to reinstatement, benefits, and other conditions of employment than if the employee had been continuously working during the FMLA/CFRA period.

## **10. Military Caregiver Leave**

Military caregiver leave is designed to allow eligible employees to care for certain family members who have sustained serious injuries or illness while on active duty. Within the single 12-month period described above, an eligible employee may take a total of twenty-six (26) weeks of CFRA/FMLA leave, including up to twelve (12) weeks of leave for any other CFRA/FMLA-qualifying reason (i.e., birth or adoption of a child, serious health condition of the employee or close family member, or a qualifying exigency). For example, during the single 12-month period, an eligible employee may take up to sixteen (16) weeks of CFRA/FMLA leave to care for a covered service member when combined with up to ten (10) weeks of CFRA/FMLA leave to care for a newborn child.

Military caregiver leave applies on a per-injury basis for each service member. Consequently, an eligible employee may take separate periods of caregiver leave for each covered service member and/or for each serious injury or illness of the same covered service member. A total of no more than twenty-six (26) workweeks of military caregiver leave, however, may be taken within any single 12-month period.

## **11. Qualifying Exigency Leave**

Employees who meet the eligibility standards set forth above are eligible to request qualifying exigency leave. Although qualifying exigency leave may be combined with leave

for other FMLA-qualifying reasons, under no circumstances may the total leave exceed twelve (12) weeks in any 12-month period (with the exception of military caregiver leave as set forth above).

Eligible employees may take unpaid qualifying exigency leave to tend to certain exigencies arising out of the duty under a call or order to active duty of a covered military member (i.e., the employee's spouse, child or parent). Up to twelve (12) weeks of qualifying exigency leave is available in any twelve (12) month period, as measured by the same method that governs measurement of other forms of leave within this policy, with the exception of military caregiver leave, which is subject to a maximum of twenty-six (26) weeks of leave in a single 12-month period. The maximum amount of qualifying exigency leave an employee may use to bond with a military member on short-term, temporary rest and recuperation during deployment is fifteen (15) days.

Persons who can be ordered to active duty include active and retired members of the armed forces, certain members of the retired Reserve and various other Reserve members, including in the Ready Reserve, Selected Reserve, Individual Ready Reserve, National Guard, state military, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard, Air Force Reserve and Coast Guard Reserve.

A call to active duty refers to a federal call to active duty, and state calls to active duty are not covered unless under order of the president of the United States pursuant to certain laws.

Qualifying exigency leave is available under the following circumstances:

- A. Short-notice deployment: To address any issue that arises out of short notice (within seven (7) days or less) of an impending call or order to active duty.
- B. Military events and related activities: To attend any official military ceremony, program or event related to active duty or a call to active duty status, or to attend certain family-support or assistance programs and informational briefings.
- C. Child care and school activities: To arrange for alternative child care; to provide child care on an urgent, immediate-need basis; to enroll a child in or transfer a child to a new school or day care facility; or to attend meetings with staff at a school or day care facility.
- D. Financial and legal arrangements: To make or update various financial or legal arrangements or to act as the covered military member's representative before a federal, state or local agency in connection with service benefits.
- E. Counseling: To attend counseling (provided by someone other than a health care provider) for the employee, the covered military member, or a child or dependent when necessary as a result of duty under a call or order to active duty.
- F. Temporary rest and recuperation: To spend time with a covered military member who is on short-term, temporary rest and recuperation leave during the period of

deployment. Eligible employees may take up to fifteen (15) days of leave for each instance of rest and recuperation.

- G. Post-deployment activities: To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of up to ninety (90) days following termination of the covered military member's active duty status. This also encompasses leave to address issues that arise from the death of a covered military member while on active duty status.
- H. Mutually agreed leave: Other events that arise from the close family member's call or order to active duty, provided that [Company Name] and the employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.

## **12. Definitions**

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an inpatient care in a hospital, hospice or residential care facility, including any period of incapacity, or any subsequent treatment in connection with such inpatient care. Under certain conditions, this includes treatment for substance abuse. Incapacity means the inability to work, attend school or perform other regular daily activities due to the serious health condition, its treatment, or the recovery that it requires. Subject to certain conditions, the continuing-treatment requirement includes an incapacity of more than three (3) full calendar days and two (2) visits to a health care provider, or one (1) visit to a health care provider and a continuing regimen of care; an incapacity caused by a chronic condition or permanent or long-term conditions; or absences due to multiple treatments. Other situations may also meet the definition of "continuing treatment."

Qualifying exigencies include activities such as short-notice deployment, military events, arranging alternative child care, making financial and legal arrangements related to deployment, rest and recuperation, counseling, parental care, and post-deployment debriefings.

A covered service member is either 1) a current service member of the armed forces, including a member of the National Guard or Reserves, with a serious injury or illness incurred in the line of duty for which the service member is undergoing medical treatment, recuperation or therapy; otherwise in outpatient status; or otherwise on the temporary disability retired list; or 2) a covered veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness.

A covered veteran is an individual who was discharged under conditions other than dishonorable during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. The period between October 28, 2009, and March 8, 2013, is excluded in determining this five-year period.

Next of kin means the nearest blood relative of the service member, other than the service member's spouse, domestic partner, parent, son or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave.

The definition of "serious injury or illness" for current service members and veterans is distinct from the definition of "serious health condition" for CFRA/FMLA leave. For purposes of this policy, "serious injury or illness" means an injury or illness incurred by the service member in the line of duty while on active duty in the armed forces that may render the service member medically unfit to perform the duties of the service member's office, grade, rank or rating or that existed before the beginning of active duty and was aggravated by service while on active duty.

With regard to covered veterans, the serious injury or illness may manifest itself before or after the individual assumed veteran status and is 1) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the armed forces and rendered the service member unable to perform the duties of the service member's office, grade, rank or rating; 2) a physical or mental condition for which the covered veteran has received a VA service-related disability rating of 50 percent or greater, and such rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; 3) a physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would absent treatment; or 4) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

### **13. Exhaustion of Leave**

If an employee's illness or injury requires a leave of absence for more than 12 weeks, the City will, with satisfactory medical evidence, extend the employee's leave for an additional 14 weeks for a total of 26 weeks in a 12 month period. The city will extend the employee's reinstatement rights through the end of the 26 week period as long as the employee can perform the job with or without reasonable accommodation. At the end of the 26 week period, the city may extend the leave for additional 26 weeks for a total of 52 weeks of leave; however, the employee will not retain reinstatement rights. The City may at this time fill the employee's position. Typically, at the end of the 52 week period, if the employee is unable to return to work with or without reasonable accommodation or if there is not a position available the employee's employment will be terminated.

## **F. PREGNANCY DISABILITY LEAVE**

### **1. Eligibility**

Any employee who is disabled because of pregnancy, childbirth, or a related medical condition may be entitled to pregnancy disability leave (PDL). For employees who are also eligible for FMLA/CFRA leave, PDL is not counted as time used for CFRA leave, but does run concurrently with available FMLA leave.

### **2. Reasons for Leave**

PDL is for any period of actual disability caused by your pregnancy, childbirth, or related medical conditions up to four months per pregnancy. PDL does not need to be taken in one continuous period of time, but can be taken on an as needed basis. Time off needed for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, and recovery from childbirth are all covered by PDL.

### **3. Amount of Leave**

Employees may take up to four months of PDL. Employees affected by pregnancy or a related medical condition, may also be eligible to transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties, if this transfer is medically advisable.

### **4. Benefits While on Leave**

- a. Benefits. PDL is unpaid. However, employees shall use accrued leaves as if on FMLA and will receive benefits pursuant to FMLA up through exhaustion of the employee's available FMLA and PDL leave.
- b. Accrued Leaves. While on leave, employees do not accrue vacation, sick, or other paid leave time, and their performance evaluation dates may be adjusted to the same extent as any other unpaid leave.

### **5. Substitution of Paid Accrued Leaves**

Employees taking PDL shall concurrently use any available sick leave. Employees shall also use any accrued vacation or other accrued time off as part of their PDL before taking the remainder of their leave as unpaid leave.

### **6. Employee Notice of Leave**

To the extent possible, employees requesting PDL should follow the same authorization process for FMLA.

### **7. Medical Certification**

The City may require employees requesting PDL or a related transfer to obtain a certification from your health care provider of your pregnancy disability or the medical advisability of a transfer. The certification should include:

- a. The date on which you became disabled due to the pregnancy or the date of the medical advisability of a transfer;
- b. The probably during of the period of disability or the period for the transfer; and
- c. A statement that, due to the disability, you are unable to work at all or to perform any one or more of the essential functions of your position without undue risk to

yourself, the successful completion of your pregnancy, or to other persons or a statement that, due to your pregnancy, the transfer is medically advisable.

#### **8. Reinstatement Upon Return from Leave**

- a. Reinstatement to Position. Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Employees have no greater rights to reinstatement, benefits, and other conditions of employment than if the employee had been continuously employed during the PDL period.
- b. Fitness for Duty Certification. As a condition of reinstatement the employee must obtain and present a fitness for duty certification from the health care provider that the employee is able to resume work in the position sought. Failure to provide such certification will result in denial of reinstatement.

#### **9. Lactation Accommodation**

The City recognizes the importance of breastfeeding and supports employees who need additional time and space in order to express milk. The City will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child. The break time shall, if possible, run concurrently with any break time already provided to the employee. Break time for an employee that does not run concurrently with the regular break time shall not be paid. The City is not required to provide an employee with break time for the purposes of lactating if to do so would seriously disrupt the operations of the employer. Any denial of break time shall be provided to the employee in writing.

The City will make reasonable effort to provide the employee with a room, other than a bathroom, or other location in close proximity to the employee's work area for the employee to express milk in private as well as access to a sink with running water, and a refrigerator or cooler for storing breast milk. A room provided for this purpose:

- Will be safe, clean, and free of hazardous materials
- Will be free from intrusion
- Contain a surface to place a breast pump and personal items
- Contain a place to sit
- Have access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump

An employee may request an accommodation for lactation breaks by submitting a request to the Office of Human Resources.

#### **G. CATASTROPHIC LEAVE**

It is the policy of the City of Redlands to permit employees to contribute a portion of their accrued leave credit to another employee when such employee is on an approved leave of absence due to a verifiable illness or injury.



## 1. Provisions

Participation in the plan is voluntary.

For the purposes of this leave program, “catastrophic” shall be interpreted to include an illness or event which is devastating, unexpected, immediate in nature, and which is expected to preclude the employee from returning to work for an extended period of time. The City reserves the right to request supporting documentation.

The receiving employee must be or have been absent from work due to injury or illness and have exhausted all earned leave credits, including but not limited to, sick leave, vacation leave, holiday leave, comp time, executive leave, etc., and is, therefore, facing financial hardship. A determination on sick leave accruals shall be made on a case by case basis in accordance with the Family Medical Leave Act (FMLA).

The hours shall be deducted from the donor’s leave balance, converted to dollars and used to compensate the recipient at the recipient’s regular rate of pay. Donations shall be listed in the order in which they are received by the Office of Human Resources. Each pay period, a sufficient number of donor hours shall be converted and used to compensate the recipient. Unconverted donations shall revert to the donor.

If sick leave is contributed:

- a. The donor’s balance cannot drop below 200 hours; and,
- b. Sick leave hours donated shall **not** count as hours used for the purposes of sick leave buy back.
- c. Donations shall be made in whole hour increments.
- d. Donated hours are irrevocable.
- e. The recipient must have been employed with the City for at least six months of continuous service.
- f. Requests may be initiated by the employee or on behalf of the employee, recommended by the Department Director with the concurrence of the Human Resources Director and final approval by the City Manager.
- g. The total number of hours donated to an employee shall not exceed the length of the approved leave of absence.

## H. JURY DUTY AND WITNESS LEAVE

All employees in the competitive service who are required to serve on a jury shall be entitled to regular compensation. Employees released early from jury duty shall immediately report back to their normal work assignment.

An employee who is subpoenaed to appear in court in a matter regarding an event or transaction which he or she perceived or investigated in the course of his or her employment with the City shall be allowed to do so without loss of compensation, unless it is the employee’s own lawsuit.

An employee subpoenaed to appear in court in a matter unrelated to his or her official capacity, or who is appearing in court in a matter initiated by the employee, shall be permitted time off without pay, or if the employee chooses, to use accrued vacation for this purpose.

## **I. MILITARY LEAVE**

Military leave will be granted as required by law. Prior to taking such leave, an employee shall present a copy of his/her military orders to the Department Director. Benefits shall continue to accrue to the extent required by law.

## **J. PERSONAL LEAVE**

At the sole discretion of the City, an employee may be granted a personal leave of absence upon the recommendation of the Department Director and the approval of the City Manager. The City may fill the position with a temporary or provisional employee during the term of the leave of absence or undertake any other appropriate measures to address workload needs. The employee shall take any available accrued leaves as compensation during a personal leave of absence.

### **1. Authorization**

Employees requesting a personal leave of absence must submit the request in writing to their Department Director. The request should state the reason for the leave and the anticipated beginning and ending dates of the leave. The Department Director will submit the request along with his or her recommendation to the City Manager. The City Manager will make a decision in writing and transmit the decision to the employee. The decision of the City Manager shall be final and is not subject to grievance or appeal. The City Manager's determination will include, but is not limited to, the following factors:

- a. Any history of excessive unauthorized absences or leave abuse;
- b. Any detrimental effect on the operation of the department/division; and
- c. The reason for the leave of absence. Examples of reasons that may be considered are:
  - i. To take a course of study that will increase the employee's usefulness or effectiveness to the city
  - ii. Other personal or family related reasons.

Use of the leave for a purpose other than that requested may be cause for forfeiture of reinstatement rights or disciplinary action, up to and including termination.

### **2. Length of Leave and Extension**

Leaves of absence shall not exceed 30 days, however, the City Manager reserves the right to extend the leave at his/her sole discretion for an additional period, not to exceed 6 months. Employees requesting a leave extension must submit a written request no later than 14 calendar days prior to the approved expiration of the original leave. Employees that are granted an extended leave will be responsible for full payment of any benefit premiums.

### **3. Return from Leave**

When an employee intends to return from an authorized leave of absence, either before or upon the expiration of such leave, the employee shall contact the Department Director at

least 14 days prior to the planned day of return. The Department Director shall promptly notify the Office of Human Resources of the employee's intention. Failure of an employee to abide by this notification procedure or to report for work promptly at the date of leave expiration shall be grounds for discipline up to and including termination.

#### **4. Adjustments to Accrual of Benefits**

Sick leave, holidays, and vacation leave will not accrue during any unpaid leave time, unless otherwise expressly provided for in an applicable MOU. Employees on unpaid leave will be responsible for any benefit premiums during their leave of absence.

## **XI. RISK MANAGEMENT**

### **A. WORKERS' COMPENSATION**

#### **1. Reporting Procedure**

- a. Any employee who is injured while on duty must immediately report the injury or illness to their immediate supervisor. The supervisor will provide the employee with the appropriate forms and turn the completed forms into Human Resources within 24 hours of the injury. In the event the employee is physically incapacitated, the supervisor shall complete and forward all forms and reports to Human Resources within 24 hours following the injury.
- b. The supervisor or Human Resources personnel may authorize medical treatment for the employee at the City's industrial medical clinic. An employee may seek medical treatment from his or her own physician if they have been previously designated and on file in Human Resources.

### **B. CIVILIAN EMPLOYEES**

#### **1. Use of Paid Accrued Leaves**

If an employee is directed by the City's physician or the employee's physician to be absent from work due to the work related injury the employee will be required to use their accrued leave time for compensation for the first three days of time off from work.

If it is determined that the employee is temporarily disabled and is ordered to be off work for more than 14 days, the temporary disability payment, as required by the Workers' Compensation Act, will go back to the date of injury.

An employee shall apply pro-rated accrued sick leave, vacation leave or comp time to an absence and to receive compensation equal to the difference between the compensation which the employee is entitled under Workers' Compensation Act and his/her regular City salary, not to exceed the amount of earned leave time. If the employee does so elect and has applied accrued leave to such absence, then he/she shall be entitled to receive compensation for absences following and related to the occurrence of a specific injury until sick leave is exhausted.

## **2. Benefits**

Any employee shall continue to accrue vacation, holidays and sick leave and to earn eligibility for consideration for merit salary increases during an absence resulting from a work related injury so long as the employee receives compensation payments under the provisions of the Workers' Compensation Act. A probationary employee shall be entitled to the same benefits as a regular employee, except the probationary employee shall not continue to earn eligibility for consideration for merit salary increases or regular status.

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

### **C. SWORN EMPLOYEES**

Whenever a sworn peace officer, or other employee eligible under Labor Code Section 4850, sustains a work related or industrial injury while actively engaged in law enforcement he/she shall receive compensation as provided under the Workers' Compensation Act and/or Labor Code provided under State Law. Such officer shall be placed on leave of absence at full salary and shall be paid by the City as long as required by Section 4850 and related Sections of the Labor Code. During the time the City is required to pay and actually pays, the employee shall not be entitled to receive any temporary disability payment under the Workers' Compensation Act, and the City shall be entitled to receive all payment which would otherwise be payable to such employee for such temporary disability or upon retirement.

### **D. LONG-TERM ILLNESS AND LABOR CODE SECTION 4850 APPOINTMENTS**

The Office of Human Resources may declare a position temporarily vacant due to the absence of an employee on leave pursuant to Labor Code Section 4850 or on long-term illness leave and the position may be filled by a temporary or interim appointment. A person appointed to the position shall sign a statement acknowledging that:

- The appointment is temporary only, with no attainment of regular status; and
- If already employed by the City, the appointment will revert to his/her original position and salary range upon notice from the HR Director.

### **E. MODIFIED DUTY**

When a City employee is being treated for a work or non-work related injury or illness and is determined fit by the City approved treating physician to return to work on a temporary basis with modified duties or tasks, the City will make every attempt to return the employee to work in a modified duty status. All such modified duty work assignments are to be within the limitations as described by the City approved physician who is qualified to render an opinion on the worker's physical abilities. Modified duty assignments for miscellaneous employees typically will not exceed sixty (60) days. For safety employees only, modified duty assignments typically will not exceed twelve (12) months. Due to staffing restrictions in some areas, light or modified duty may not be available. The determination of the availability of light or modified duty assignments will be made by the Department Director and the Office of Human Resources.

In the event an employee refuses the modified duty offered, and the employee satisfies the restrictions and ability to perform the modified duty, the City is not obligated to provide an alternative position. In such cases, Human Resources will notify the insurance carrier of the employee's refusal of the modified duty.

Any employee returning to modified duty must not exceed the duties of the position or go beyond the doctor's restrictions. If any medical restrictions change, the employee must immediately notify his or her supervisor and provide Human Resources a copy of the new medical release within 24 hours.

Supervisors will monitor work performance to ensure the employee does not exceed the requirements set by the attending physician.

## **F.CHECK-IN PROCEDURES**

During the period of time that an employee is off work due to an industrial injury, the department may require the employee to check in with the Office of Human Resources on a regular basis.

## **G.ACCIDENT REPORTING, RECORDING AND ANALYSIS**

The elimination of accidents is a goal of the City of Redlands. In order to achieve this goal, a well-established system of reporting and recording vehicular and equipment accidents has been developed.

### **1. Definition**

An accident is an unintended event involving a vehicle or piece of equipment that produces damage or injury.

### **2. Procedures for reporting an accident**

- a. Call or ask someone else to call 911 for emergency services;
- b. Call the supervisor and report the accident and all information regarding the accident;
- c. Call Risk Management for all accidents involving moving violations and requiring a full police report;
- d. Gather all pertinent information at the accident scene to meet the accident reporting requirements. This will include names, addresses, phone numbers of the persons who are injured and/or involved and witnesses who may have seen the accident;
- e. Complete all forms required by the City's safety policies and Injury and Illness Prevention Program. Forms must be submitted to HR within 24 hours of the accident;
- f. Complete forms as required by the Department of Motor Vehicles, Department of Transportation and/or any other agency;
- g. Submit to a drug and alcohol screening for all accidents involving a moving violation. Safety personnel may be exempt from drug testing requirements of this policy;
- h. Comply with the instructions issued by the supervisor, Risk Management and/or safety personnel.

Employees using personal vehicles while on duty shall follow this policy and comply with these reporting procedures.

### **3. Supervisors Responsibilities**

If the employee is not able to complete the above information, the supervisor or his/her designee shall be dispatched to the accident to obtain the above information and complete the forms. In addition, the supervisor shall:

- a. Notify HR and arrange transportation for employees required to submit to a drug and alcohol screening immediately after an accident;
- b. Determine whether or not Risk Management should respond to employees accident that do not involve a moving violation;
- c. In consultation with the Office of Human Resources, determine whether or not a drug and alcohol screening is necessary for accidents that do not involve a moving violation.

#### **4. Accident Reports and Records**

All accidents shall be reported to provide the City with an overall summary of events. A Report of Incident or Injury Form shall be used to record pertinent information. The report shall include the following information:

- a. Date of accident
- b. Name of employee(s)
- c. Department
- d. Vehicle identification number
- e. Location of accident
- f. Brief description of accident
- g. Fatalities and/or injuries
- h. Property damage
- i. Physical damage to City property
- j. Photographs

If a Report of Incident, Accident or Injury form is not available the employee is required to gather and record the above information using an alternative format.

#### **5. Accident Investigation**

A thorough investigation shall be conducted to determine the primary cause of any accidents involving city vehicles and equipment. The investigator shall determine how the accident occurred, what physical evidence might be available, and obtain witness statements. The investigator shall gather information to reconstruct the events leading to the accident and should record those facts for future reference.

Contributing factors shall also be identified. Such an investigation helps to show the basic conditions responsible and point out the area(s) in which either specific or general corrective action should be taken. The information derived from the accident analysis should be used constructively to educate employees or change procedures in an effort to prevent future occurrences. This information may also be used to identify remedial training needs.

#### **6. Disciplinary Action**

Any driver involved in an accident involving a City owned vehicle or piece of equipment and found to be negligent may be required to complete a driver safety training course and subject to disciplinary action, up to and including termination.

