

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF RESCINDING }
RESOLUTION NO. 2012-039 AND }
ADOPTING THE AMENDED PERSONNEL }
SYSTEM RULES AND REGULATIONS }
REGARDING RECLASSIFICATION }
_____ }

RESOLUTION NO. 2013-013

WHEREAS, the City Council of the City of Turlock passed and adopted Personnel Resolution 89-38 on February 28, 1989 as directed under the provisions of Section 2-4-501 of the Turlock Municipal Code to adopt rules and regulations for the administration of the personnel system; and

WHEREAS, since its initial adoption, numerous amendments have been made to the Personnel System Rules and Regulations; and

WHEREAS, the most recent amendment, Resolution No. 2012-039, adopted March 13, 2012, amended Sections 13.05 "Salary Review Date" and 17.03 "Probationary Appointments" changing the requirements of serving a new probationary period when an employee has been reclassified from one job classification to another job classification; and

WHEREAS, the proposed amendment to the Personnel System Rules and Regulations changes the language in Section 12.04 Reclassification allowing an employee who believes the duties of their position substantially changed can request through their division manager that a job audit be conducted by Human Resources if deemed appropriate.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Turlock does hereby rescind Resolution No. 2012-039 and adopts the amended Personnel System Rules and Regulations attached as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 22nd day of January, 2013, by the following vote:

- AYES: Councilmembers DeHart, Nascimento, Bublak, White and Mayor Lazar
- NOES: None
- NOT PARTICIPATING: None
- ABSENT: None

ATTEST:


Kellie E. Weaver, City Clerk,
City of Turlock, County of Stanislaus,
State of California



PERSONNEL SYSTEM RULES AND REGULATIONS

**REVISED AND ADOPTED
BY CITY COUNCIL**

**RESOLUTION NO. 2013-013
JANUARY 22, 2013**

PERSONNEL SYSTEM RULES AND REGULATION

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PERSONNEL SYSTEM RULES AND REGULATIONS

10.00 GENERAL

10.01 PURPOSE

These rules are applicable to the competitive service and shall be interpreted uniformly in order to:

- a. Obtain and retain the best qualified personnel available for competitive and exempt service;
- b. Assure that appointments and promotions shall be made according to merit and fitness to be ascertained, so far as practicable by competitive examination; and
- c. Assure, through appeal provisions, that disciplinary actions or separations from the service be fair to employees of the competitive service and consistent with the best interest of the City.

10.02 DEFINITION OF TERMS

The following terms whenever used in these rules, shall be construed as follows:

“ADVANCEMENT” means a salary increase of one or more steps within the limits of the salary range established for a class.

“ALLOCATION” means the assignment of a single position to its proper class in accordance with the duties performed, and the authority and responsibilities exercised.

“APPOINTING AUTHORITY” means the City Manager is designated by the City Council to make appointments to any position in City service except City Attorney.

“CERTIFICATION” means the referral of eligible candidates for appointment consideration from an appropriate eligible list to a Department Director who has a vacancy which has been approved by the City Manager to fill.

“CLASSIFICATION OR CLASS” “Classification” or “Class” means the organized designation of all positions in the City service such that positions having substantially similar duties and responsibilities are assigned the same descriptive title, and the same requirements as to education, experience, knowledge and ability demanded of incumbents, and so that the same schedule of compensation may be made to apply with equity.

“CLASSIFICATION DESCRIPTION OR CLASS SPECIFICATION” means the written description of the characteristics of a class, prepared and maintained in the Personnel Department, setting forth the definition, typical tasks, minimum qualification and other relevant standards and information.

“CITY” shall mean the City of Turlock, California.

“COMPETITIVE SERVICE” means all positions and employees which are not specifically exempt by the Personnel Ordinance.

“CONTINUOUS SERVICE” means service (employment with the City) without a break or interruption. In computing continuous service, approved leaves of absence shall not be considered as a break in service. Other absences in excess of 90 days in any twelve-month period shall be considered as a break in continuous service for the purpose of computing total years of service.

“DATE OF APPOINTMENT” means the first day of appointment to the competitive service with the City.

“DATE OF SEPARATION OR TERMINATION” means the last day of officially recorded employment with the City.

“DEPARTMENT DIRECTOR” means an individual appointed by the City Manager to direct the operation of an established department.

“DEMOTION” means change in status from a position in one class to a position in another class having a lower salary range or to a lower salary step in the same salary range.

“ELIGIBLE LIST” means an officially established list of candidates who have been examined and determined to be qualified to be appointed to a particular classification.

“ELIGIBLE” means a person whose name is on an eligible list by receiving a passing score in an examination process.

“EMERGENCY APPOINTMENT” means an appointment of temporary duration made solely to avert or assist during a civil disaster, or an imminent danger to persons or property.

“EXEMPT SERVICE” means a position (generally management level) in City Service that serves at the pleasure of the appointing authority, either the City Manager or the City Council.

“EXTRA HELP” means employment in the exempt service which is generally for short period of time to assist in high work load periods or to substitute in a regular employee's absence. Part-time and seasonal employees fall into this category.

“LAY OFF” means termination from employment because of lack of funds or material change in the duty or organization of a department, or the City as a whole, in the provision of services.

“LEAVE OF ABSENCE” means written permission to be absent from duty for a specified period of time. The employee with this permission has the right to return to the same classification at the expiration of such period.

“OPEN EXAMINATION” means an examination for a particular classification, open to all qualified applicants.

“MUNICIPAL SERVICE” means the group of employees that are appointed to serve in full time, allocated positions for the City of Turlock.

“PERFORMANCE EVALUATION” means a written evaluation of an employee's performance of their assigned duties which is conducted on at least an annual basis and placed in the employee's file.

“PERSONNEL OFFICER” means the City Manager or designee.

“PERSONNEL ORDINANCE” means Article 5, Chapter 4, Title 2 of the Turlock Municipal Code which creates a personnel system for the city.

“POSITION” means any office or employment in the municipal service, whether occupied or vacant which is allocated by the City Council.

“PROBATIONARY PERIOD” means a working test period for a minimum of 12 months, during which an employee is required to demonstrate his fitness for the position by actual performance of the duties and may be released from employment without the right of a hearing.

“PROMOTION” means the movement of an employee from one position to another having a higher maximum rate of pay.

“PROMOTIONAL LIST” means an eligible list resulting from a promotional examination.

“PROMOTIONAL EXAMINATION” means an examination for a particular classification in which the admission to the examination is limited to qualified employees in the municipal service.

“REGULAR EMPLOYEE” means an employee who has successfully completed their probationary period.

“REINSTATEMENT” means the re-employment, without examination, of a former regular employee within one year from the date of resignation from the municipal service. Reinstatement must have the recommendation of the affected Department Director and approval by the City Manager.

“SALARY RANGE” means a range of pay which has five steps or increments of pay that are separated by five percent differentials.

“SUSPENSION” means the temporary separation from service of an employee without pay, for disciplinary purposes.

“TRANSFER” means a change of an employee from one position to another position in the same class or another class having essentially the same maximum salary limits, involving the performance of similar duties and requiring substantially the same basic qualifications.

“Y-RATE” means the temporary freezing of an employee’s salary whose salary has been determined to exceed the appropriate level of compensation for the level of duties performed.

11.00 ADMINISTRATION

The City Manager shall be responsible for the administration of these rules.

12.00 CLASSIFICATION

12.01 PREPARATION OF PLAN

The City Manager shall prepare a plan of classification of all positions in the municipal service according to similarity of authority, responsibility and duties, and according to similarity of required training, skills and experience. Class specifications shall include:

- a. Classification title and brief description.
- b. A summary of typical duties and responsibilities assigned to the classification.
- c. A statement of the training, experience, and other qualifications required of the class.

12.02 ADOPTION OF PLAN

The classification plan shall be approved in whole or in part, or may be modified by resolution of the City Council. The classification plan may be amended, and the City Council may create new classes, or abolish existing classes in the same manner.

12.03 ALLOCATION OF POSITIONS

Following the adoption of the classification plan, the City Manager shall allocate every position in the competitive and exempt service to one of the classes established by the plan.

12.04 RECLASSIFICATION

Any employee who believes that the duties of their position have substantially changed may notify their Division Manager and request a review of the job duties and responsibilities. The Division Manager shall consult with the Human Resources Director and request that Human Resources conduct a job audit if deemed appropriate.

The employee shall be notified in writing of the final determination within ninety (90) days of the request. If it is found that the duties of the employee's position have substantially changed, the duties may be reassigned or the position shall be allocated by the City Manager to a more appropriate class, whether new or already created.

13.00 COMPENSATION

13.01 PREPARATION OF COMPENSATION PLAN

The City Manager shall prepare a compensation plan covering all classes of positions in the municipal service with designated rates of pay.

In arriving at such salary ranges, consideration shall be given to prevailing rates of pay for comparable work in other public and private employment, including consideration of local conditions of work as well as basic pay; to current cost of living; to suggestions of Department Directors; and to the City's financial condition and policies, and such other sources of information as are deemed necessary. The City Manager shall thereafter make such further studies of the compensation plan as may be requested by the City Council, or as considered desirable.

13.02 ADOPTION OF PLAN

The City Manager shall submit the proposed pay plan to the City Council. The Council shall adopt or amend and adopt the proposed plan in the same manner as the adoption of the classification plan. Thereafter, no position shall be assigned a salary higher than the maximum or lower than the minimum salary provided for that class of position, unless the salary schedule for the class is amended in the same manner as herein provided for its adoption.

13.03 CHARACTERISTICS OF THE COMPENSATION PLAN

1. Each salary range consists of a minimum step, a maximum step and three intervening steps.
2. The increase from one step to the next step in each range is five (5) percent.
3. Each range starts at the second step of the range below it and goes one step higher than the range below it. This does not pertain to sub-ranges.

13.04 ADMINISTRATION OF THE COMPENSATION PLAN

Salary increases within the established salary range shall not be automatic, but shall depend upon an overall satisfactory performance rating as reflected in a performance evaluation signed by the Department Director and approved by the City Manager.

The first step is the minimum rate and should normally be the hiring rate for the class. The City Manager may hire above this step in case of an unusually well-qualified person or in a tight labor market, or when such action, in his opinion, clearly appears to be in the best interests of the City.

Employees will not normally be eligible for consideration of an increase to the second step until they have given fully satisfactory performance for a period of twelve (12) continuous months at the first step and passed their probationary period. Salary advancement to the third, fourth, and fifth step will be based on an overall performance evaluation rating of satisfactory or above in conjunction with normal salary review date.

13.05 SALARY REVIEW DATE

An employee's salary review date shall be the date of completion of 12 months continuous full-time service at a step.

An employee's salary review date shall be changed under the following conditions:

- a. Transfer. The salary review date of an employee transferred to a position of similar duties, responsibilities, and salary range shall not be altered unless the employee is required to serve a new probationary period.
- b. Promotion. The salary review date of an employee promoted to a position which involves either an increase in responsibilities or duties and an increase in salary range shall be altered to coincide with the effective date of the promotion.
- c. Reclassification. The salary review date for an employee reclassified to a position requiring performance of duties at a higher level of responsibility and pay will be changed to one (1) year from the effective date of the reclassification if the reclassification results in more than a five (5) percent raise. If the reclassification results in a five percent increase or less, the employee's salary review date will remain the same.
- d. Demotion. The salary review date of an employee demoted to a position which involves either a reduction in responsibilities or a change in duties and a reduction in salary range shall be altered to coincide with the effective date of such demotion.
- e. Y-Rate. When the salary of an incumbent exceeds the top step of the salary range to which they have been demoted, their salary shall be frozen until the fifth step of the new classification equals or exceeds their present salary. At that time they will become eligible for cost of living adjustments granted to incumbents of the classification or bargaining unit should their classification be a single position class. When the salary of the affected incumbent falls within the range of the lower classification, they will be placed on a salary step at least equal to their present salary and maintain their previous review date.

The Y-Rate shall be established for one (1) year from the effective date of the demotion. At the end of one (1) year, an incumbent whose salary continues to exceed the range of the new classification shall be placed on the fifth step established for the new classification.

- f. Leave of Absence. The salary review date of an employee whose service is interrupted by a leave of absence without pay for whatever reason, for more than thirty (30) calendar days shall be adjusted by advancing the review date by the total number of such days. Provided, however that the adjustment of the salary review date of an employee subject to military leave shall be consistent with the provisions of Section 395 of the Military and Veterans Code of the State of California.

14.00 RECRUITMENT

14.01 ANNOUNCEMENT

The Personnel Officer shall recruit for positions in the municipal service positions by such methods as considered necessary, such as by posting on public bulletin boards, and advertising in professional trade journals and other mass media.

Announcements shall briefly specify the title and pay range of the position class; the nature of the work to be performed; qualifications necessary or desirable for the performance of the work in the class; the dates, time, place and manner of taking application and examinations; and other pertinent information.

14.02 GENERAL STANDARDS

Applicants for employment shall meet such standards of education, experience, skills, abilities and personal and physical characteristics as are required for acceptable performance of the duties of the positions to which appointments are to be made. No applicant shall be discriminated against on account of race, religion, color, creed, political beliefs, sex, physical or mental handicap, marital status, national origin, or age.

14.03 MINIMUM STANDARDS

All applicants shall meet the minimum standards prescribed by applicable class specifications at the time of appointment and shall pass a medical examination administered by a licensed medical doctor, selected and paid by the city, to determine physical fitness for the position to which an appointment is to be made.

14.04 DISQUALIFICATION OF APPLICANTS

The Personnel Officer may reject an application or subsequently refuse to certify an applicant who:

- A. Does not possess the minimum qualifications established for the position;
- B. Is physically or psychologically unfit for the satisfactory and safe performance of the duties of the position;
- C. Has been dismissed for cause from public service;
- D. Has used or attempted to use personal or political influence to further eligibility or appointment;
- E. Is engaged in and would refuse to discontinue employment, activity, or enterprise which, if continued while a City employee, would be in direct conflict of interest with City duties;
- F. Has practiced or attempted to practice any deception, fraud or omission of a material fact in the application or examination, or in securing eligibility for appointment;
- G. Has been convicted of a criminal offense involving moral turpitude. The word "convicted" shall be construed to mean a conviction by a verdict, by plea of guilty or nolo contendere or upon a judgment of the court, a jury having been waived, without regard to

subsequent disposition of the case by suspension of sentence, probation or otherwise. The word "moral turpitude" shall be construed to mean any act of baseness, vileness, or depravity, or any act done contrary to justice, honesty, modesty, or good morals, or an act done with deception or through corrupt motives;

H. Has been convicted of:

1. Crimes against persons including:
 - a. Murder or aggravated assault (Penal Code Sections 187 and 245)
 - b. Rape (PCS 261)
 - c. Kidnapping (PCS 209)
 - d. Armed Robbery (PCS 211)
 - e. Sex offenses as defined in Penal Section 285 (incest), 286 (sodomy), 288 (child molesting) and 647.6 (misdemeanor child molesting).
2. Crimes against property including:
 - a. Arson (Penal Code Section 451)
 - b. Burglary (PCS 459)
 - c. Receiving or selling stolen goods (PCS 484, 496)
 - d. Forgery and issuing bad checks (PCS 470, 476a)
 - e. Theft (PCS 487, 488)
 - f. Embezzlement (PCS 504 et seq.)
 - g. Crimes involving controlled substances included within the scope of Health and Safety Code Section 11350, 11351.5, 11352, 11353, 11354, 11355, 11378.5, and 11379.

ACCESS TO CRIMINAL HISTORY INFORMATION

For the purpose of obtaining information concerning the foregoing, the Personnel Officer is authorized to have access to State Summary Criminal History Information pursuant to Penal Code Section 11105(b) (10) and to require, as a condition of employment, the fingerprinting of new employees.

FINGERPRINTING

The Personnel Officer shall establish and maintain a fingerprinting system on all new employees as a condition of employment. Refusal on the part of the employee to be fingerprinted or failure to report for fingerprinting shall be cause for dismissal.

14.05 EMPLOYMENT OF RELATIVES, ANTI-NEPOTISM POLICY, AND CONFLICT OF INTEREST LIVING ARRANGEMENTS RELATING TO CITY EMPLOYMENT.

Except as to persons already employed on the effective date of this section as it relates to their current position and relationship on January 11, 1994. No person related to a full-time or part-time employee, elected or appointed City Officer, or contract employee by blood, or marriage, or quasi-married to the third degree of relationship or in a domestic living arrangement shall be appointed or transferred into a department employing such relative in a direct conflict of interest position.

For the purpose of this section, a direct conflict of interest shall mean a situation in which the employee of the relative or person with whom they have entered into such a relationship would be in a position to affect the terms and conditions of one another's employment, including making decisions about work assignments, compensation, discipline, salary advancement, promotion or performance evaluation.

A. Definitions. As used in this section:

1. "Relative" means spouse, child, step-child, parent, step-parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, parent-in-law, brother-in-law, sister-in-law, or another individual related by blood, marriage, or quasi-marriage in the same household as a City employee.
2. "Domestic Living Arrangement" means a living arrangement which includes, but is not limited to, shared housing as roommates, tenants, co-tenants, or co-owners of real property, or domestic partners between opposite or the same sexes living in the same household with a City employee.
3. "Employee" means any person who is compensated for performing work and services rendered to the City of Turlock.

B. Application.

1. City-wide - Relatives or domestic partners of those listed below may not be employed anywhere in the City organization:
 - a. City Council members and other elected City officials;
 - b. Standing Board and Commission members;
 - c. The City Manager, City Attorney, and Department Directors of the City;
 - d. The Human Resources Manager of the City.

EXCEPTION: Relatives or domestic partners of employees of the City Manager, City Attorney, Department Directors, and the Human Resources Manager may be employed on a part-time basis in any department other than the City Manager's, City Attorney's, Human Resources or the affected Department Director.

2. Within Departments - The employment of relatives is prohibited within a Department when they:
 - a. work on the same shift at the same work site - the affected Department Director will determine whether an assignment of a relative as described above can be accommodated by appointment to an alternate shift or work site based on department size and variety of functional areas of responsibility; **and**
 - b. share a supervisorial/subordinate relationship; **or**
 - c. are related, as defined hereinabove, to a confidential employee of the City.
3. Marriage, Quasi-Marriage or Roommates Within Departments - When two employees of the same Department get married, or are living in the same household in a quasi-marital arrangement, or as room-mates, and their positions place them in a conflict of interest relationship as defined above one of the following must occur:

- a. The Human Resources Department will attempt to arrange a transfer to a similar position in another Department or reorganize duties within the same department so that a non-conflict position exists. Usually the employee in the most junior classification will make the transition. There can be no guarantee that a new position will be within the same classification or at the same salary level;
- b. Notwithstanding the foregoing, newly married, quasi-married or roommate employees may continue to work in the same Department when so requested by the Department Director and the request is approved by the City Manager or his designee. However, the following conditions will apply. They may not (i) report to the same supervisor, (ii) be supervised by their spouse, quasi-spouse, domestic partner or roommate, or (iii) work the same shift at the same work site as their spouse, quasi-spouse, domestic partner or roommate;
- c. One of the spouses, quasi-spouses, domestic partner or roommate must be separated from City employment if a transfer is not available or approval for retention is not authorized. If one of the spouses, quasi-spouses, domestic partners, or roommates does not voluntarily resign, the one who is most junior as it relates to total years of service with the City of Turlock will be discharged."

15.00 EXAMINATION

15.01 PREPARATION

The Personnel Officer shall prepare or have prepared any tests that are deemed necessary for a valid and equitable determination of the fitness of applicants for the positions to which appointments are to be made.

Such tests may include, but shall not be limited to, the use of achievement and aptitude tests, other written tests, personal interview, performance tests, evaluation of daily work performance, work samples or any combination of these which will, in the opinion of the Personnel Officer, test fairly the qualification of candidates. Physical and medical tests may be given as part of any examination.

In any examination the Personnel Officer may include, in addition to competitive tests, a qualifying test or tests, and set minimum standards therefore.

15.02 TYPES OF EXAMINATION

Examinations shall be Open, Open-Promotional, or Promotional, and may be Formal or Informal as defined herein:

- a. Open Examinations shall be open to all qualified applicants.
- b. Open-Promotional Examination shall be open to all qualified applicants. Certification of eligibles may be limited to include only city employees based on the request of the affected Department Director and concurrence by the City Manager
- c. Promotional Examinations shall be limited to qualified employees of the competitive service holding an allocated position.
- d. Formal Examinations shall include a written test and may include oral, performance and physical tests to be given to applicants.
- e. Informal Examinations shall include an appraisal of an applicant's training, experience and other pertinent characteristics and may include oral, performance and physical tests.

15.03 GRADING OF EXAMINATIONS

The personnel Officer shall establish the minimum passing score for each test and the lowest total score on an examination required to qualify the applicants to be considered for appointment. The final score of an applicant shall be based upon the scores of all the tests and evaluations included in the examination unless otherwise specified in the published selection process for each recruitment. Failure of the applicant to pass one part of the examination shall disqualify the applicant from taking other parts of the examination.

15.04 FREQUENCY OF EXAMINATIONS

An eligible list shall be established at the conclusion of the examination process for a particular classification. Eligible lists shall be effective for a period of six (6) months from the date of the qualifying exam. Eligible lists may be extended at the request of an affected Department Director or the Personnel Officer for a period of no more than six (6) months. Eligible lists may be abolished prior to the six (6) month period if there are fewer than five (5) qualified or interested candidates for the position.

16.00 ELIGIBLE LISTS

16.01 RULE OF FIVE

The Personnel Officer shall certify candidates for appointment consideration who have successfully tested and achieved placement on the eligibility list. Generally, the top five ranking active candidates on the eligibility list shall be certified to the Department Director for appointment consideration for one vacancy. One additional candidate will be certified for each additional vacancy that exists. The Department Director may appoint any of the candidates certified, regardless of rank. A certification may be expanded to reach candidates with special qualifications i.e. bilingual abilities, special certificates or licenses or in order to promote appointments of candidates who are under represented in a particular classification. Expanded certifications may also be utilized when filling sworn public safety positions in Police and Fire due to the higher hiring standards that must be followed prior to final appointment consideration.

16.02 RE-EMPLOYMENT LISTS

The names of probationary and regular employees who have been laid off due to a reduction in force shall be placed on appropriate re-employment lists in the order of the competence, from highest to lowest. Competence shall be based on past evaluations of employee and recommendations of the affected Department Director with concurrence of City Manager. Re-employment eligibility shall be for one year from the date of lay-off. Re-employment lists shall be used as a basis for reinstatement of former employees in accordance with Section 20.05 of these Rules.

16.03 REMOVAL FROM ELIGIBLE LISTS

An applicant may be removed from a given eligible list for any one of the following reasons:

- a. Refusal to accept appointment to a position;
- b. Appointment to a position;
- c. Request of the applicant for removal from the list;
- d. Substitution of a new eligible list;
- e. Failure to continue to meet any of the minimum standards established for the position for which the eligible list was prepared;
- f. Disqualification for reasons stated in Section 14:04

17.00 APPOINTMENTS

17.01 KINDS OF APPOINTMENTS

Appointments to compensated positions shall be Probationary, Regular, Extra Help, or Emergency. The City Manager shall make all appointments after consultation with the respective Department Director. If a qualified applicant can not be found for a particular position, the City Manager may create a similar position of lower class, and fill that position in accordance with these rules.

The City Manager may fill vacancies during suspensions or pending proceeding on separations and demotions.

17.02 EXTRA HELP APPOINTMENTS

In the absence of appropriate eligible lists, the City Manager may appoint an applicant meeting minimum training and experience requirements of the position to work on a full or part time schedule.

Upon satisfactory performance and at the discretion of the City Manager, an extra help employee may be appointed to an allocated full time position after satisfactory full-time service of not less than six months.

Part-time and seasonal employees shall be also designated as extra help employees.

17.03 PROBATIONARY APPOINTMENTS

Probationary appointments are for the purpose of providing a work performance evaluation period prior to filling positions on a regular appointment basis. The City Manager shall make probationary appointments upon recommendation of the Department Director from the top applicants certified on the appropriate eligible lists. The appointee shall be subject to the following conditions and limitations:

- a. The probationary period shall be twelve (12) months, except the probationary period for police personnel represented by T.A.P.O. shall be 18 months.
- b. Employees may be dismissed during the probationary period at any time without right of appeal.

PROMOTION: An employee promoted to a different position will serve a new one year probationary period. An employee released during the probationary period from a position to which he has been promoted shall be reinstated to the position from which he was promoted, if a vacancy exists. An employee would be reinstated unless the reason for which he/she was released, in the opinion of the City Manager, renders such employee ineligible for the former position.

RECLASSIFICATION: An employee whose position has been reclassified may be required to serve a new probationary period. The department director will make a discretionary decision as to whether an employee, who has been reclassified from one job classification to another job classification, serve a new probationary period. In the event an employee is a long term employee in good standing, has served in an out of class assignment that is subsequently reclassified, the director may or may not choose to require the employee serve

a new twelve (12) month probationary period.

DEMOTION: An employee who is demoted to a position to which they had not previously attained regular status will serve a new probationary period.

TRANSFER: An employee transferred to the same or comparable position in another department may be required to serve a new probationary period.

The probationary period of an employee may be extended by the City Manager, upon recommendation of the Department Director, for not more than six (6) months.

17.04 REGULAR APPOINTMENT

Regular Appointments are for the purpose of providing a regular complement of full-time employees in the municipal service to discharge the duties and responsibilities assigned to the work force of the City. Regular appointments shall be made by the City Manager upon receiving a certification from the employee's Department Director that the employee has successfully completed the established probationary period for their classification.

17.05 TRAINEE APPOINTMENTS

Regular full-time positions may be filled by trainee appointment from amongst those persons who possess, or will gain during the period of their trainee appointment, the minimum qualifications for regular appointment. A trainee who fails to so qualify will be terminated upon or before the expiration of the appointment. Duration of trainee appointments may be for up to a maximum of two (2) years, with the approval of the City Manager. Trainees will be compensated at least ten (10) percent less than the first step for the classification for which they are training. Trainee classifications are assigned to the exempt service.

17.06 EMERGENCY APPOINTMENT

In case of civil disaster or emergencies involving imminent danger to life or property, or to protect the city's interests, any Department Director may appoint any persons available to alleviate the danger. Emergency appointments shall be terminated as soon as the danger is alleviated.

The Department Had shall notify the City Manager of such action as soon as practicable.

18.00 PERFORMANCE EVALUATION

Each employee shall receive an annual performance appraisal in conjunction with their review date that is completed by their Department Director and approved by the City Manager prior to placement in the employee's personnel file. The performance evaluation must accompany all recommendations for step advancement. The performance evaluation will provide employees with job related information about their performance.

If the employee's performance appears to be impaired by continuous illness, the City manager may require him to obtain a medical examination by a designated physician, at City expense.

18.01 DISCIPLINE OF REGULAR EMPLOYEES OF THE COMPETITIVE SERVICE

Causes for Discipline An Employee in the competitive service who has regular status is subject to disciplinary action. Each of the following shall constitute cause for discipline:

- A. Omission of willful misrepresentation of material fact or other fraud in securing employment;
- B. Incompetence;
- C. Inefficiency;
- D. Inexcusable neglect of duties;
- E. Insubordination;
- F. Dishonesty
- G. Improper use of drugs, including (1) drunkenness on duty, (2) use of drugs while on duty, (3) incapacitate for proper performance of duties by prior use of drugs. The terms "drugs" shall mean controlled substances as defined in Division 10 (commencing with Section 11000) of the California Health and Safety Code, and shall also mean alcohol;
- H. Unexcused absence from duty, including but not limited to, participation in unlawful strikes or other job actions, such as sick-ins;
- I. Conviction of a felony or conviction of a misdemeanor involving moral turpitude. A plea or verdict of guilty, or a conviction following a plea of nolo contendere, to a charge of a felony or any offense involving moral turpitude is deemed to be a conviction within the meaning of this subsection;
- J. Discourteous treatment of the public or other employees;
- K. Willful disobedience;
- L. Misuse of City property;
- M. Inconsistent, incompatible or conflicting employment, activity or enterprise;
- N. Violation of an established departmental rule;
- O. Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to the employee's department or employment.
- P. Excessive Absenteeism.

19.00 ATTENDANCE AND LEAVE

19.01 HOLIDAYS

All municipal employees except Police and Fire employees will observe the following legal holidays:

New Year's Day	January 1
Martin Luther King, Jr. Day	3 rd Monday in January
President's Birthday	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	2 nd Monday in October
Veterans Day	November 11
Thanksgiving Day	4 th Thursday in November
Day after Thanksgiving	4 th Friday in November
Christmas Day	December 25

Other holidays may only be granted by City Council.

When holiday falls on a Sunday, the following Monday shall be observed.

When a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday.

Paid holidays shall be granted only to all regular and probationary employees. Police and Fire employees and other special situation employees shall be given compensatory time off as authorized by the Department Director concerned or as covered in their memorandums of understanding.

Temporary part-time and seasonal employees shall not be entitled to paid holidays.

19.02 VACATIONS

Only probationary and regular employees shall be entitled to paid vacation leave. Temporary, part-time and seasonal employees shall not be entitled to paid vacation leave.

An employee shall be required to have served the equivalent of one (1) year of continuous service in the City in order to be eligible for his full annual vacation leave. After six (6) months of continuous service he may be permitted by his Department Director to take vacation leave not to exceed the amount of vacation leave earned to that time.

The times during a calendar year at which an employee may take his vacation shall be determined by the Department Director with due regard for the wishes of the employee and particular regard for the needs of the service. An employee shall be required to take at least one (1) calendar work week of earned vacation leave per year. An employee may, with Department Director approval, take 15 consecutive work days off of accrued vacation. Additional leave beyond this may be taken with the approval of the City Manager.

Holidays falling within an annual vacation leave shall not be charged as vacation leave.

Probationary and regular employees who terminate employment shall be paid in a lump sum for all accrued vacation leave earned which is computed on the employee's base hourly rate of pay at the time of termination.

19.03 SICK LEAVE

Sick leave with pay shall be earned by full-time probationary and regular employees from the date of current service with the City at the rate of one (1) work day for each calendar month service. Sick leave use shall be considered as a privilege which an employee may use with discretion, and shall be allowed only in the case of necessity and actual sickness or disability of the employee or because of illness in his immediate family.

Sick leave shall be accumulated at the rate of 12 days a year. Fire Department sick leave use shall be based on one 24-hour shift being equal to two sick days leave.

A maximum of six (6) days of annual sick leave may be used for illness of the employee's immediate family. (According to California law, employees are entitled to use up to one-half (1/2) of their sick leave earned annually for illness of their immediate family.) If an employee is absent because of illness, he must notify his Department Director or his immediate supervisor at least one (1) hour prior to the time set for beginning his daily duties. If an employee is ill for more than three (3) working days (two (2) working shifts in the case of Fire Department employees) for any one illness, he is required to furnish a doctor's certificate to the Personnel Officer. Employees demonstrating an above average use of sick leave or, patterned sick leave use, may be required to provide a doctors certificate.

In December of each year each employee having at least 4 years continuous employment with the City shall be paid for 50 percent of their sick leave earned during the previous 12 month period, less the amount of sick leave taken during the previous 12 month period. The remaining 50 percent of unused sick leave shall be added to the employee's current accumulated total of unused sick leave. If an employee retires or dies while in city service, he or his beneficiary shall be paid for 25 percent of their unused sick leave. Employees terminated for cause shall not be eligible for any sick leave payments.

Accumulated sick leave hours are to be used for absences due to illness. Other leave time on the books may only be used for absences due to illness when all sick leave is exhausted and approval is granted by the Department Director.

19.04 BEREAVEMENT LEAVE

Employees holding regular appointments in all departments shall be granted Bereavement Leave for the first and second degree of consanguinity on the following basis:

1. If the services are within three hundred (300) miles of the City of Turlock, not to exceed four (4) working days.
2. If the service is more than three hundred (300) miles from Turlock, not to exceed six (6) working days.

The degrees of consanguinity shall be determined as follows:

1st Degree

Spouse

2nd Degree

Grandmother/Grandfather

Mother/Father
Son/Daughter

Granddaughter/Grandson
Sister/Brother

Relationships noted above shall include in-laws and step relations.

Authorized Bereavement leave shall not be charged to sick leave.

19.05 INJURY LEAVE

Any employee incurring an injury or disability in the municipal service shall be entitled to injury leave to the extent provided by the State Worker's Compensation and Insurance Act. Any employee on injury leave shall receive full salary to the extent that their earned vacation and sick leave time is available to be charged for the difference between the full salary and the compensation insurance payments received by the City. Provided, however that such full salary payments are subject to the following conditions:

- a. Worker's Compensation insurance payments received by the employee, except payments received for permanent total or partial disability, shall be deposited in the City Treasury for the period the employee continued to receive full salary from the City; and,
- b. Upon the expiration of available earned vacation leave and sick leave, payment of salary by the City shall be discontinued and compensation insurance payments applicable to continued compensation leave shall be and compensation insurance payments applicable to continued compensation leave shall be endorsed to the employee. Once an employee has exhausted their time on the books, continuation of benefits will cease. Employees may elect to pay the premiums on insurance plans which they wish to continue coverage.

SAFETY EMPLOYEES – Safety employees who are injured as a result of performing their jobs, are covered under Section 4850 of the Labor Code as it relates to administration of Worker's Compensation benefits.

19.06 MILITARY LEAVE

Military leave shall be granted in accordance with Section 395 of the Military and Veterans Code. An employee entitled to military leave shall give his Department Director an opportunity within the limits of military regulations to determine when such leave shall be taken.

19.07 SPECIAL LEAVE WITH PAY

Special leave with pay may be granted by the City Council for an employee to participate in activities of benefit to the City.

19.08 SPECIAL LEAVE WITHOUT PAY

A maximum of six (6) months of Special Leave Without Pay may be granted an employee by the City Manager when ever such leave is considered to be in the best interest of the City. In determining the City's interest in granting Special Leaves of Absence without pay, the City Manager will consider: the performance ratings of the employee requesting the leave, the reasons for the leave and the ability of the affected department to continue its provision of service without employee.

19.09 JURY DUTY AND COURT WITNESS

A leave of absence with pay will be granted by a Department Director to an employee who is called for jury duty. Any payment, except travel pay, received by the employee shall be deposited with the City.

A leave of absence with pay will be granted by a Department Director to employees who have been requested to serve as a court witness because of employment with the City.

A leave of absence may be granted by a Department Director to employees who have been requested or subpoenaed to serve as a court witness for any other reason; however, employees will be required to utilize accrued time off in order to be paid for that time off.

19.10 HOURS OF WORK

All offices of the City, except those for which special regulations are required, shall be open for business on all days of the year except Saturdays, Sundays, and Holidays continuously from 8:00 a.m. until 5:00 p.m.

Departments for which necessity requires a different schedule from that generally applied, shall work according to regulations prepared by the respective Department Director and approved by the City Manager.

19.11 ATTENDANCE

Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays, and leaves. (Each Department Director shall enforce attendance requirements and shall keep attendance records of employees under his supervision, which records shall be reported to the City Manager or designee in the form and on the dates he shall specify.) Any absence from work taken upon the initiative of any employee and without prior authorization as provided for in these rules shall be the basis for immediate dismissal by the City Manager if such absence is found to be unwarranted or regarded as detrimental to the municipal service.

19.12 OVERTIME

Upon prior authorization of the Department Director or due to unusual emergencies, overtime or compensatory time off may be approved in units of not less than one-half hour, as determined by the Department Director, at the compensation rate of time and one half per overtime hour worked. Whenever possible, compensatory time shall be accrued instead of overtime for payment. Employees accruing compensatory time off will be encouraged to take time off in the same week the extra work was performed.

Over-time provisions shall be in compliance with the Fair Labor Standards Act.

This section does not apply to management employees.

20.00 TRANSFER, PROMOTION, DEMOTION, SUSPENSION AND REINSTATEMENT

20.01 TRANSFER

After written notice to the City Manager, an employee may be transferred by the Department Director at any time from one position to another position in the same or comparable class. If the transfer involves a change from the jurisdiction of one Department Director to another, both must consent thereto unless the City Manager orders the transfer for purposes of economy or efficiency. No person shall be transferred to a position for which he does not possess the minimum qualifications. Employees who transfer into another department or like classification may be required to serve a new probationary period as a condition of transfer.

20.02 PROMOTION

The City Manager, after consulting the Department Director concerned, shall determine whether vacancies in the municipal service shall be filled by promotion from within the municipal service, or by open competition, whichever he considers to be in the best interest of the service.

20.03 DEMOTION

The City Manager, after consulting with the Department Director concerned, may demote an employee whose ability to perform his required duties falls below standard, or for a disciplinary purpose or due to a re-organization which results in a lesser level of responsibility to be performed by the incumbent. No employee shall be demoted to a position for which he does not possess the minimum qualifications. Written notice of the demotion shall be given the employee two (2) weeks before the effective date of the demotion.

20.04 SALARY REDUCTION

After consulting with the appropriate Department Director, the City Manager may make salary reductions within the allowed salary range as a result of an employee's diminished service value.

20.05 SUSPENSION WITHOUT PAY

A Department Director, for clearly stated reasons of just cause, may suspend an employee under his supervision, for as much as three (3) work days without pay. The Department Director shall submit a report of such action to the City Manager as soon as practicable, during the period of the suspension.

20.06 REINSTATEMENT

Upon recommendation of the affected Department Director and the approval of the City Manager, an employee who has resigned with a good record may be reinstated to his former position, if vacant, or to a vacant position in the same or comparable class within one (1) year from the date of his resignation.

21.00 SEPARATION FROM THE SERVICE

21.01 DISCHARGE

An employee other than a Department Director may be discharged by the City Manager after consulting the Department Director concerned. A Department Director may be discharged by the City Manager with the consent of the City Council. Any employee of the competitive service who has been discharged is entitled to receive a written statement of the reasons for such action, and to a hearing if he requests, as provided in the Personnel Ordinance and Section 23.00 of these rules.

The City Manager and the City Attorney may be discharged only by the City Council.

21.02 LAYOFF: REDUCTIONS IN FORCE

The City Manager may lay off an employee in the municipal service upon two (2) weeks written notice because of material change in duties, organization or shortage of work or funds.

A statement certifying whether or not the services of the employee have been satisfactorily shall be given the employee, and a copy shall be kept in the personnel file. If the employee's services have been satisfactory, he shall be considered for re-employment for up to one year from the date of lay off. If not certified as having given satisfactory service, the employee may request a hearing as provided by the Personnel Ordinance and these rules.

An employee having seniority based on continuous service in the affected classification and having given satisfactory service may be demoted or transferred to another vacant position for which he is qualified, instead of being laid off.

For the purpose of aiding in determining order of layoff, total cumulative time served in the City service shall include time served on military leave of absence.

The names of probationary and regular employees laid off shall be placed on re-employment lists for class which, in the opinion of the City Manager, require basically the same qualifications and duties and responsibilities of those of the class positions from which layoff was made.

Names of persons laid off shall be placed upon re-employment lists in order of their competence based on evidence contained in performance evaluation and Department Director assessment for re-employment purposes.

21.03 RESIGNATION

An employee may resign from municipal service in good standing by giving two (2) weeks written notice to his Department Director. Written notice shall state the effective date and the reasons for leaving. Failure to do so may be cause for denying future employment by the City.

The resignation shall be forwarded to the City Manager, with the Department Director's statement as to the employee's performance and other pertinent information concerning the resignation.

22.00 GRIEVANCES AND APPEALS

22.01 INFORMAL PROCEDURE

An employee or their representative having a grievance arising from employment in the municipal service shall seek adjustment of the grievance initially with their immediate supervisor within ten (10) working days of the event which is the subject of the grievance. Should the immediate supervisor be unable to make a satisfactory adjustment, or be a party to the grievance, the employee or their representative may seek adjustment through the Department Director.

Should the Department Director be unable to make a satisfactory adjustment within 10 working days, or be a party to the grievance, the employee or his representative may seek adjustment through a written request and statement of facts to the City Manager. At the same time, the employee shall submit a copy of such request to his Department Director.

The City Manager shall investigate the problem, and may call on independent consultants as he considers necessary, and shall state his decision to the employee and his Department Director in writing, within 10 working days after receiving the grievance.

22.02 FORMAL PROCEDURE

An employee in the municipal service holding a regular appointment who is suspended for more than three (3) days, demoted or dismissed by the City Manager, or who alleges that those sections of the Personnel Ordinance or Rules relating to promotion, demotion, reduction, suspension and dismissal have been violated by the City Manager shall be entitled to be heard before the City Council. The affected employee shall provide a written request filed with the City Clerk within 10 work days from the effective date of the notice of such action from which the employee seeks exception. The written request for a hearing before the City Council shall be processed as follows:

- a. Within twenty (20) days of filing of a written request for a hearing, the City council shall investigate the charges and may call on independent consultants as it considers necessary, and shall conduct a hearing.
- b. The hearing before the City Council may be public or private at the option of the employee; and, the employee may be represented by legal or another representative.
- c. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely upon tin the conduct of serious affairs. Such evidence may be used regardless of the existence of any common law or statutory rule which might make the admission of such evidence improper in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they may now and hereafter be recognized in civil actions. Irrelevant and unduly repetitious evidence shall be excluded.
- d. The City Council shall, within 10 days of the hearing, render its decision in writing and the City Clerk shall direct copies thereof to the City Manager, the employee requesting said hearing, and the Department Director concerned.
- e. The decision of the City Council may sustain, revoke, or modify the suspension,

demotion, reduction in pay, or dismissal and shall be final and conclusive in all respects and shall not be subject to appeal.

- f. In the event the City Council revokes or modifies a suspension, demotion, reduction in pay, or dismissal and orders the employee reinstated to his former position, it shall direct the payment of salary to the employee for the period of time the City Council rescinds the action.

23.00 EMPLOYEE CONDUCT

23.01 POLITICAL ACTIVITY

Political activity of municipal employees shall be restricted in accordance with the Personnel Ordinance.

23.02 SOLICITATION OF CONTRIBUTIONS

No appointed or elected City Official, employee or candidate for City office shall in any way solicit or receive contributions or services while on the job for any political purpose, from any city employee or applicant, or appointive official.

23.03 ACCEPTANCE OF GIFTS

Gifts to the City shall be accepted by City Council motion.

Elected and appointed City officials and employees shall not accept any tip, special gift of value, or other consideration because of services rendered in their official capacity as city officers or employees.

23.04 OUTSIDE EMPLOYMENT

Full-time employees may not carry on concurrently with their municipal service, any private business or undertaking, attention to which affects the time or quality of their work or which tends to discredit the City government, or which may result in a conflict of interest with their duties with the City.

Outside work or private business or undertaking of full-time employees is permitted only upon recommendation of the Department Director and approval of the City Manager.

23.05 USE OF CITY EQUIPMENT

City Vehicles and equipment are to be used for City business only.

Exceptions may be authorized by the City Manager.

23.06 FINANCIAL AFFAIRS

Employees shall arrange their personal financial affairs so that creditor and collection agencies need not call on City offices in making collections.

When garnishment or wage attachment is required on a City employee, the City shall charge an administrative fee which represents the time and materials required to process the same.

24.00 TRAINING OF EMPLOYEES

24.01 RESPONSIBILITY FOR TRAINING

The City Manager, upon consulting the Department Director concerned, shall be responsible for the training programs for employees. Upon budget approval by the City Council and prior written authorization by the Department Director that a particular course of study is beneficial to his department, an employee shall be reimbursed his tuition charges upon satisfactory completion of a course.

Successful completion of special training courses may be considered in making advancements and promotions. Evidence of such activity shall be filed by the employee with his Department Director, who shall transmit such information to the City Manager.

24.02 AUTHORIZATION FOR TRAINING AND CONFERENCES

Authorization may be granted by the Department Director and the City Manager for employees to attend professional conferences and meetings, or to participate in some form of activity or training, in the interest of the City.

Reimbursement of expenses incurred shall be made in accordance with the established financial procedures of the City within limits prescribed by the City Council.

25.00 PERSONNEL RECORDS

The City Manager shall maintain a file for each employee. This file shall contain a copy of every personnel transaction affecting the status of said employee. Personnel files of individual employees are confidential information and shall be used or exhibited only for administrative purposes or in connection with official proceedings before the City Council. However, any employee may examine his own file at any reasonable time.

No information of any kind shall be placed in the individual employee personnel file without simultaneous notification of its complete content to the employee concerned.