



PERSONNEL RULES

DISCLAIMER

THIS MANUAL IS NOT DESIGNED TO EXPLAIN EVERY EMPLOYMENT SITUATION OR OUTLINE EVERY RELEVANT POLICY OR PRACTICE. THIS MANUAL IS NOT INTENDED TO CONSTITUTE AN EMPLOYMENT CONTRACT OR A GUARANTY OF FUTURE EMPLOYMENT.

ANY CHANGES TO THIS MANUAL WILL BE DISTRIBUTED IN WRITING TO ALL EMPLOYEES SO THAT EMPLOYEES MAY BE AWARE OF THE NEW POLICIES OR PROCEDURES. NO ORAL STATEMENTS OR REPRESENTATIONS CAN IN ANY WAY ALTER THE PROVISIONS OF THIS MANUAL.

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RULE I - GENERAL PROVISIONS

SEC. 1.1 PURPOSE

These Rules are intended to establish and maintain an efficient and uniform personnel administration system for the City of Goleta.

SEC. 1.2 APPLICABILITY

The provisions of these Rules apply to all employees except unless a specific section or provision excludes them, or where superseded by individual employment contract provisions. Independent contractors, volunteers, city council members, and appointed members of commissions and boards are not employees.

SEC. 1.3 CONFLICTS WITH OTHER POLICIES

These Rules will not create any additional or parallel rights which already exist in a Memorandum of Understanding between the City and a Recognized Employee Organization as defined under Resolution 13-42, the Employer-Employee Relations Resolution, and in no event will be considered to create an additional or supplemental appeal right from a personnel decision.

Whenever these Rules contain a provision relating to a subject matter that is also referred to in a Memorandum of Understanding, then the provision of the said Memorandum of Understanding shall prevail.

SEC. 1.4 AMENDMENT OF RULES

The City Council shall have authority to adopt, amend or repeal these Rules. The Personnel Officer shall have authority to prepare and recommend revisions to the Personnel Rules to the City Council.

SEC. 1.5 DEFINITION OF TERMS

A. General Definition

All words and terms used in these Rules and in any resolution or ordinance dealing with personnel policies, system or procedures shall be defined as they are normally and generally defined in the field of personnel administration.

B. Specific Definitions

1. “Acting Appointment”: An appointment of an employee for a limited time to a higher classification or position occupied by an employee who is absent from work due to temporary leave or disability lasting more than 10 consecutive working days, or more than 30 working days in a 12-month period. [Note: Special pay for an acting appointment may be considered “Temporary Upgrade Pay” under California Code of Regulation 571, which is subject to CalPERS reporting for classic members, but not for PEPRA members]
2. “Advancement”: A salary increase within the limits of a pay range established for a classification.
3. “Allocation”: The assignment of a single position to its proper classification in accordance with the duties performed, and the authority and responsibilities exercised. As used in these rules, employees are appointed to positions, and positions are allocated to classifications.
4. “Appointing Authority”: The City Manager or a Department Director who is authorized by the City Manager to make appointments to the classified and unclassified service in the applicable department on the City Manager’s behalf. The City Council is the appointing authority for the City Manager and the City Attorney. For the City Attorney’s Office staff, the appointing authority is the City Attorney.
5. “Classification”: All positions sufficiently similar in duties, authority, and responsibility to permit grouping under a common title in the application, with equity, of common standards of selection, transfer, demotion and salary.
6. “Classified Service”: All positions of employment in the service of the City, except those in the “non-classified service.”
7. “Compensation”: The salary, wage allowance, and all other forms of consideration earned by or paid to any employee by reason of service in any position, excluding expenses authorized and incurred incidental to employment.
8. “Continuous Service”: Regular service in the employ of the City without a break or interruption. A severance of the employee from employment initiated by either the City or the employee for periods of more than 15 days constitutes a break in continuous service.
9. “Employment Contract” (“Contract Employee”) An individual written employment contract which may contain additional or different terms that supersede those contained in these Rules. The City Council may enter into individual written employment contracts with the City Manager and City Attorney. The City Manager is authorized to enter into individual written employment contracts with Department Directors and the Assistant City Manager.
10. “Council”: The City Council of the City of Goleta.
11. “Days”: Calendar days unless otherwise stated.
12. “Department Director”: The administrative head of a recognized department of the City directly accountable to the City Manager for the operation of such department. The

Assistant City Manager may serve as a department director for delegated functions within the City Manager's Office.

13. "Demotion": The movement of an employee from one classification to another classification having a lower maximum base rate of pay.
14. "Disciplinary Action": The discharge, demotion, reduction in pay, or suspension without pay of a regular employee for punitive reasons.
15. "Eligibility List": A list which contains the names of successful applicants for employment according to relative performance on the total weighted examinations.
16. "Executive Management": The City Manager is the Chief Executive Officer for the City. "Executive Management", as the term may be informally used, includes the City Manager, City Attorney, Assistant City Manager, Assistant City Attorney, City Clerk, and Department Directors.
17. "Full-Time Employees": Employees whose positions require the total number of hours prescribed for normal employment in the classification or position, which is at least 40 hours per week. All positions shall be full-time unless otherwise designated, or unless the compensation is fixed upon the basis of part-time work.
18. "Hourly Employees": Part-time, intern, temporary, and seasonal extra help employees whose employment may not exceed 999 hours in any July through June fiscal year without the prior written approval of the City Manager. Hourly employees are only entitled to pay and benefits as required by law or provided by separate resolution of the City Council for such employment.
19. "Interim Appointment": Appointment to a vacant position of a person who possesses the minimum qualifications established for that position and who has been appointed to a position in that classification until that position is filled through an appropriate recruitment. [Note: An interim appointment may qualify as an "out-of-class" appointment under CalPERS Rules, Gov. Code section 20480. An out-of-class appointment must be reported to CalPERS and may not exceed 960 hours in a fiscal year without CalPERS penalties being assessed. Special pay paid to an existing employee for an interim appointment may be considered "Temporary Upgrade Pay" under California Code of Regulation 571, which is subject to CalPERS reporting for Classic CalPERS members, but not for PEPR CalPERS members.]
20. "Lay-Off": The separation of employees from the active work force due to lack of work or funds, or to the abolition of positions by the City Council for such reasons or due to organization changes.
21. "Non-Classified Service": The non-classified service includes:
 - a. All elected officials and members of boards and commissions;
 - b. The City Manager, Assistant City Manager, and City Attorney;
 - c. All department directors;

- d. Architects, consultants, legal counsel and others rendering temporary professional services pursuant to a contract with the City;
 - e. Voluntary personnel, unpaid interns, and other personnel appointed to service without pay;
 - f. Emergency employees hired to meet the immediate requirements of an emergency condition, such as fire, flood or earthquake which threatens life or property;
 - g. Hourly Employees;
 - h. Any position hereafter created if it is specified as non-classified by the City Council at the time of its creation.
22. “Non-Exempt Employee”: An employee whose position is not exempt from the overtime pay requirements of the Fair Labor Standards Act (FLSA). Also referred to as an “overtime eligible” employees.
23. “Part-Time Employees”: Employees whose positions involve less than 40 hours of work per week. Part-time employees may be regular part-time employees or hourly employees, as defined.
24. “Position” or “Allocated Position”: A group of duties and responsibilities in the classified or unclassified service combined and assigned as the full-time or part-time employment for one person, as authorized by the City Council.
25. “Personnel Officer”: The City Manager or the City Manager’s designee.
26. “Probationary Employee”: An employee who is still within the probationary period of employment.
27. “Probationary Period”: The initial period of employment in a position to be considered an integral part of the examination, recruiting, testing and selection process during which an employee is required to demonstrate fitness for the position to which the employee has been appointed by actual performance of the duties of the position.
28. “Promotion”: Movement of an employee from one classification to another classification having a higher maximum base rate of pay.
29. “Regular Employee”: An employee in the classified service who has successfully completed the probationary period and has been retained as hereafter provided in these Rules.
30. “Reinstatement”: The restoration without examination of a former regular or probationary employee to a classification in which the employee previously served as a regular employee.
31. “Retired Annuitant”: A CalPERS retiree who, without applying for Reinstatement from Retirement, returns to work temporarily with the City of Goleta in a designated hourly retired annuitant extra help position as authorized under Government Code sections 7522.56, 21224, 21227, and 21229 or who is appointed by the City Council to an interim position as
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authorized by Government Code sections 7522.56 and 21221(h). Retired annuitants are only entitled to pay and benefits as required by law or provided by separate resolution of the City Council for such employment.

32. "Suspension": The temporary separation from service of an employee without pay for disciplinary purposes.
33. "Temporary Employee": An hourly employee who is appointed to a position for a limited period of time and is only entitled to benefits provided by resolution of the City Council for such employment.
34. "Transfer": The movement of an employee from one position to another in the same classification or another classification with the same maximum base rate of pay.
35. "Unrepresented Position" or "Unrepresented Employee": A position that is not represented by a duly recognized employee organization, or an employee assigned in such capacity, such as an hourly employee, confidential employee, or management employee.
36. "Y-Rating": When a pay range for a given class is adjusted downward, incumbents, on approval of the Personnel Officer, may be designated a "Y" rate. When an employee is "Y" rated, their base hourly pay/salary, immediately prior to the date of downward adjustment, is frozen and may not be increased until the maximum of the base hourly pay/salary range assigned their new classification exceeds the base hourly pay they were earning immediately prior to establishment of the "Y" rate.

SEC. 1.6 EQUAL EMPLOYMENT OPPORTUNITY

The City is an Equal Opportunity Employer that does not discriminate on the basis of:

- race, color, national origin, or ancestry;
- religion (including religious dress and grooming practices);
- sex (including pregnancy, childbirth, breastfeeding, or a related medical condition);
- gender, gender identity, gender expression, or gender transitioning status;
- physical disability, mental disability, medical condition (genetic characteristics, cancer or a record or history of cancer), or genetic information;
- marital or domestic partner status;
- citizenship status;
- age (over 40);
- sexual orientation (including homosexuality, bisexuality, or heterosexuality, etc.);
- exercising a legally protected right to a leave of absence (e.g., FMLA/CFRA family medical leave, pregnancy disability leave, lactation breaks, etc.);
- status as a victim of domestic violence, sexual assault, or stalking;
- reproductive health decision-making (including the decision to use to access a particular drug, device, product, or medical service for reproductive health), or

- any other classification protected under state or federal law.

Any such discrimination is unlawful and all persons involved in the operations of the City are prohibited from engaging in this type of conduct. The City is dedicated to this policy and will afford equal employment opportunity to all qualified employees and applicants as to all terms and conditions of employment, including compensation, hiring, training, promotion, transfer, discipline, and termination.

Employees, applicants, officers, officials or contractors who believe they have experienced any form of employment discrimination or who have concerns about equal opportunity in the workplace, are encouraged to report their concerns immediately, using the complaint procedure under the Policy Against Discrimination, Harassment, and Retaliation contained in these Personnel Rules, or by contacting the U.S. Equal Employment Opportunity commission or the California Department of Fair Employment and Housing.

California law and City policy also prohibit retaliation against any employee for making a good faith report or complaint of suspected discrimination or harassment or for cooperating, assisting, testifying, or participating in the investigation of such report or complaint.

SEC. 1.7 REASONABLE ACCOMMODATIONS

A. POLICY

The City complies with the Americans with Disabilities Act as well as all state and local laws relating to disability issues. The City will not discriminate against any applicant or employee with respect to any terms, privileges, or conditions of employment because of his, her, or their physical or mental disability. The City will make reasonable accommodations, whenever possible, for the known physical or mental limitations of applicants or employees who are otherwise qualified to safely perform all of the essential functions of their position unless undue hardship would result to the City's operations. Any applicant or employee who requires an accommodation in order to perform the essential functions of the job should request such accommodation. The City will engage in an interactive process with the applicant or employee to identify and evaluate potential reasonable accommodations that would enable the applicant or employee to perform the essential functions of his, her, or their position. Failure to engage in the interactive process or provide reasonable accommodations in a violation of City policy and must be reported.

B. PROCEDURE

1. Request for Accommodation

Whenever the City knows that an employee may need a reasonable accommodation to perform the essential functions of their job due to a disability, the City will consider such accommodation. An employee who desires a reasonable accommodation in order to

perform essential job functions should make such a request, preferably in writing, to the Personnel Officer. The request must identify: a) the job-related functions at issue; and b) the desired accommodation(s).

2. Reasonable Documentation of Disability

Following receipt of the request, the Personnel Officer may require additional information, such as reasonable documentation of the existence of a disability and the need for accommodation to allow for performance of a position's essential functions.

3. Fitness for Duty Examination

The City may require an employee to undergo a fitness for duty examination at the City's expense to determine whether the employee can perform the essential functions of the job with or without reasonable accommodation. The City may also require that a City-approved physician conduct the examination.

4. Interactive Process Discussion

After receipt of reasonable documentation of disability and/or a fitness for duty report, the City will arrange for a discussion, in person or via telephone conference call, with the applicant or employee, and the applicant or employee's representative(s), if any. The purpose of the discussion is to work in good faith to fully consider all feasible potential reasonable accommodations.

5. Case-by-Case Determination

The City will determine, in its sole discretion, whether reasonable accommodation(s) can be made, and the type of accommodation(s) to provide. The City will not provide accommodation(s) that would impose an undue hardship upon City finances or operations, or that would endanger the health or safety of the employee or others. The City will inform the employee in writing of its decision as to reasonable accommodation(s).

6. Inability to Accommodate

If it is determined that no reasonable accommodation can be made that will allow the employee to complete the essential functions of the employee's position, the City will file for CalPERS disability retirement on behalf of an eligible member if the City has reason to believe the employee has not applied on their own behalf, as required under Government Code Section 21153.

SEC. 1.8 FITNESS FOR DUTY

A. Conditional Offer of Employment Examinations

After a conditional offer of employment has been extended to an applicant, the City may, in compliance with all applicable laws, require the applicant to submit to a fitness for duty examination prior to conferring appointment.

B. Current Employee Examinations

The Personnel Officer or designee may require an employee to submit to a fitness for duty examination to determine if the employee is able to perform the essential functions of the job when there is significant evidence that: 1) the employee appears to be unable to perform or has difficulty performing one or more essential functions of the job; and 2) there is reason to question the employee's ability to complete work duties safely or efficiently.

C. Role of Health Care Provider

A City-selected health care provider will examine the employee at the City's expense. The City will provide the health care provider with a letter requesting a fitness for duty examination and a written description of the essential functions of the employee's job. The health care provider will examine the employee and provide the City only with non-confidential information regarding whether: 1) the employee is fit to perform essential job functions; 2) there are any accommodations that would enable the employee to perform essential job functions; and 3) the employee's continued employment poses a threat to the health and safety of him or herself or others. Should the health care provider exceed the scope of the City's request and provide confidential health information, the City will return the report to the health care provider and request another report that includes only the non-confidential fitness for duty information that the City has requested.

D. Medical Information

During the course of a fitness for duty examination, the City will not seek or use information regarding an employee's medical history, diagnoses, or course of treatment without the employee's voluntary and knowing written authorization.

E. Medical Information from the Employee's Health Care Provider

An employee may submit confidential medical information to the City from the employee's personal health care provider. If the employee provides written authorization, the Personnel Officer will submit the information that the employee provides to the City-paid health care provider who conducted the examination. The Personnel Officer will request the City-paid health care provider to determine whether the information alters the original fitness for duty

assessment.

F. Interactive Process Discussion

After receipt of both the health care provider's fitness for duty report, and the analysis of the employee's personal health care information (if any) the Personnel Officer will arrange for a discussion or discussions, in person or via conference telephone call, with the employee and the employee's representatives, (if any). The purpose of the discussions will be in good faith to discuss fully all feasible potential reasonable accommodations. During the discussions, the Personnel Officer will also discuss, if relevant, alternate available jobs for which the employee may be qualified, or whether the employee qualifies for disability retirement or family and medical leave.

G. Determination

After these discussions, the Personnel Officer will review the information received and determine if there is a reasonable accommodation that would enable the employee to perform essential job functions, or if the accommodations would impose an undue hardship on City finances or operations. The Personnel Officer will inform the employee of the Personnel Officer's determination. The Personnel Officer will use the Personnel Officer's discretion based upon the particular facts of each case.

RULE II -CLASSIFICATION

SEC. 2.1 PREPARATION OF PLAN

The Personnel Officer shall ascertain and record the duties, responsibilities, minimum standards, and minimum qualifications of all positions in the City and shall recommend a classification/compensation plan for all positions. The classification/compensation plan need not be contained in only one document, but may be comprised of various documents. The classification/compensation plan shall consist of classes of positions defined by classification specifications, including the title.

The classification/compensation plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same classification, and that the same schedules of compensation may be made to apply with equity under similar working conditions to all positions in the same classification. The classification/compensation plan will contain a Salary Schedule

SEC. 2.2 ADOPTION, AMENDMENT AND REVISION TO CLASSIFICATION PLAN

A. The City Council shall adopt a Salary Schedule by resolution listing approved

classifications and approved salary rates for each classification, which may be revised from time to time by resolution of the City Council as changing conditions require.

B. Classification specifications shall be made publicly available on the City's website by the Personnel Officer. Occasional modifications to class specifications may be warranted and approved administratively by the City Manager. The classification specification will indicate the dates of any revisions.

SEC. 2.3 ALLOCATION OF POSITIONS

The Personnel Officer shall allocate every position in the classified service to one of the classifications established by the plan.

SEC. 2.4 NEW POSITIONS

A new position shall not be created and filled until: 1) a classification specification has been created for the classification to which the position will be allocated; 2) the City Council has approved the creation of the position and its allocation to a classification within the classification/compensation plan; and 3) an appropriate eligibility list is established for such position.

SEC. 2.5 RECLASSIFICATION

Positions, the assigned duties of which have been materially changed by the City so as to necessitate reclassification, whether new or already created, shall be allocated by the Personnel Officer to a more appropriate classification, with the approval of the City Manager. Reclassifications shall not be used for the purpose of avoiding restrictions concerning demotions and promotions, nor to effect a change in salary in the absence of a significant change in assigned duties and responsibilities.

SEC. 2.6 FLEXIBLE STAFFING

The City may choose to flexibly staff classifications within any class series containing an entry and journey level classification. Flexible staffing gives the City the ability to hire employees at the entry level or the journey level depending upon applicant qualifications and City staffing needs.

An official list of the flexibly staffed classifications will be maintained by Human Resources. Classifications designated as flexibly staffed will not require a recruitment process for an incumbent to promote from the entry level to the journey level classification. The City retains the exclusive right to determine if and when an employee may advance from the entry to the journey level. Flexible staffing does not preclude the City from identifying certain positions that

would be permanently assigned to the entry level, for budgetary or any other reason, for as long as their overall duties and responsibilities remain within the entry-level classification.

RULE III –COMPENSATION

SEC. 3.1 SALARY ON APPOINTMENT

A. New Employees

New employees shall be paid at the first step of the salary range for the position to which the employee is appointed, except as permitted by these Rules.

B. Advanced Step Hiring

The City Manager may authorize the Personnel Officer to appoint a new employee to an advanced step of the pay range if it is determined that qualified applicants cannot be successfully recruited at the first step of the salary range, or that an advanced step is warranted based on the preferred candidate's advanced qualifications for the position.

C. Reemployment

A person who previously held a regular position with the City and left City employment in good standing may, at the discretion of the City Manager, if re-employed in a position with the same or lower pay range than held at separation, be appointed at the same salary range and step that had been paid to the employee at the effective date of termination, or at the nearest lower applicable step for the range to which the person is appointed.

SEC. 3.2 SALARY ANNIVERSARY DATES

For payroll purposes, employees shall have a salary anniversary date as of the effective date of the employee's most recent appointment, promotion, demotion, reinstatement or reemployment. Authorized adjustments to salary upon promotion, demotion, reinstatement or reemployment shall be effective beginning with the pay period immediately following the salary anniversary date. The salary anniversary date is not to be confused with an employee's original appointment date, which is the date the employee first began employment with the City.

SEC. 3.3 INCREASES WITHIN SALARY RANGE

Employees will become eligible for an adjustment in pay after 12 months of service at the first or starting pay step. The adjustment shall be made only if recommended by the applicable department director. The remaining steps are incentive adjustments, based on performance evaluation, to encourage an employee to perform at the employee's highest level, and to

recognize seniority and increased skill on the job. Employees are eligible for these adjustments on their anniversary date after the completion of 12 months of service at the preceding step and every 12 months thereafter.

This period may be modified in conjunction with the performance report recommendations and as approved by the City Manager, or if a specific date for a merit adjustment was previously identified in an employee's offer of employment letter authorized by the City Manager. The City Manager may authorize the advancement of an incumbent to any step within the salary range for the class to address gross inequities, ensure retention, or to reward extraordinary achievement and performance.

SEC. 3.4 SALARY UPON PROMOTION

Except in instances where the granting of a full step increase would result in a salary in excess of the top step of the range, any employee who is promoted to a position in a class with a higher salary range shall be placed on the step in the new higher range which is at least equal to an advancement of a full step over the step the employee held in the employee's former range. If the maximum of the range would be exceeded by such advancement, the employee shall receive the top step of the range. An employee thus promoted is assigned to a new salary anniversary date effective beginning with the pay period immediately following the date of promotion.

SEC. 3.5 SALARY UPON TRANSFER

An employee who is transferred from one position to another in the same classification, or to another position in a classification having the same salary range, shall be compensated at the same step in the salary range as the employee previously received and the employee's salary anniversary date shall not change.

SEC. 3.6 SALARY ON CHANGE IN RANGE ASSIGNMENT

Whenever a classification is reassigned by the Council to either a higher or lower salary range, the salary of each incumbent in such classification on the date the reassignment is effective shall be adjusted to the step/salary position in the new range that corresponds to the step/salary the incumbent was receiving in the former range and shall retain the same salary anniversary date. When a classification is reassigned by Council to a lower salary range, the employee may request consideration from the Personnel Officer to be Y-Rated. Y-Rating is considered at the sole discretion of the City Manager

SEC. 3.7 SALARY ON REALLOCATION OF POSITION

A. If a position is reallocated to a classification having the same salary range, the salary and

the salary anniversary date of the incumbent shall not change.

B. If a position is reallocated to a classification which has a higher salary range, the City Manager shall adjust the salary of the incumbent employee to any step of the higher salary range which is at least as much as the employee was receiving in the former range and the employee shall retain the same salary anniversary date.

C. If the position is reallocated to a classification with a lower salary range, and the employee's salary exceeds the top step of the classification to which the employee's position is reallocated, the employee's salary shall not change until it is exceeded by the top step of the new classification. The employee's salary anniversary date shall not change.

SEC. 3.8 SALARY ON DEMOTION

The salary of any employee demoted to a position in a classification with a lower salary range shall be reduced to a salary step in the range for the lower classification as follows:

A. If the action is a disciplinary demotion, the employee's rate of pay in the lower salary range will be one or more steps less than that received in the salary range for the classification from which the employee was demoted. A new salary anniversary date shall be established on the basis of the demotion.

B. In the case of a non-disciplinary demotion, the employee will be placed at a step the employee would have attained in that lower classification if his/her services had been continuous in such lower classification. The employee shall retain the same salary anniversary date. The employee may request consideration by Personnel Officer to allow the employee to be Y-Rated. Y-rating is considered at the sole discretion of the City Manager

SEC. 3.9 MONTHLY SALARY

Monthly salary rates are based on a 40-hour work week. Except as provided herein, or by law, no authorization may be made for an employee to work less than the full work week without a directly proportionate decrease in pay and benefits.

SEC. 3.10 BILINGUAL ALLOWANCE

A. An employee, whose assignment and duties with the public require the use of bilingual skills in English and Spanish or other language determined by the City Manager or his or her designee to be of benefit to the City, shall be designated by the City Manager or his or her designee to be tested for either verbal or verbal and written proficiency, depending upon the need determined by the City, within 60 days of such designation. Designation of the bilingual language skill is restricted to the actual need of the City. An employee's ability

to read, write or speak a language other than English occasionally or in the incidental use of the job shall not warrant a bilingual designation. Employees shall not be required to perform translation services who have not been tested or compensated for such service. An employee who demonstrates bilingual proficiency by passing a verbal examination or a verbal and written examination shall receive compensation of \$65.00 per pay period.

- B. Advanced Spanish Premium: effective December 7, 2021, for full-time employees in positions designated by the City Manager who meet the following qualifications, the City paid premium will be an additional \$50.00 each biweekly pay period:
- i. Establish to the satisfaction of the City Manager a complex level of verbal and written proficiency in Spanish as demonstrated by appropriate testing every other year.
 - ii. Upon request, provide complicated written translation from Spanish-to-English and English-to-Spanish and/or act as an informal interpreter for meetings and interviews with Spanish speaking people and/or give presentations or media interviews in Spanish.
 - iii. As the intent of such pay is to have reliable high-level Spanish skills available, the refusal or inability to provide such high-level services during work hours, except as directed by the employee's manager, may result in the loss of advanced premium pay at the discretion of the City Manager.

RULE IV APPLICATIONS, RECRUITMENT AND EXAMINING

SEC. 4.1 VACANCIES

Vacant positions in the classified service may be filled only by selection from an eligibility list, by promotion, by interim or acting appointment, by transfer, by reinstatement or by demotion. Selection of employees for the classified service is made by the appointing authority for the position.

SEC. 4.2 ANNOUNCEMENT OF VACANCIES / ACCEPTANCE OF APPLICATIONS

A. When a position becomes vacant, the Personnel Officer shall be notified by the department director responsible for the position. If a continuing need for the position exists, the Personnel Officer will publicly advertise the position by a written announcement setting forth the minimum requirements for the job, the pay scale, a closing date for acceptance of applications, and information concerning where applications and the job description can be obtained.

B. Applications will be available on the City's website and will be collected by the Personnel

Officer until the closing date for acceptance of applications.

C. Application forms will require inclusion of all applicable training, experience, and other pertinent information and may request any other certificates or qualifying materials. Applicants may be required to provide supplementary information, including but not limited to: answers to job-related questions; resume; licenses; certifications; diplomas; letters of recommendation; and references. All applications must be completed in full, dated, and signed electronically by the person replying.

D. The Personnel Officer may advertise a hiring incentive for any vacant position, consistent with a policy for such incentive approved by the City Council by resolution.

SEC. 4.3 ELIGIBILITY LIST / SELECTION TESTING

A. Following the closing date for applications, an eligibility list of qualified applicants shall be created, which may be used to fill other vacancies in the same classification for up to a maximum of one year after it is established, as determined by the Personnel Officer. Examinations shall be conducted and used to aid in the selection of qualified employees. Examinations shall consist of recognized selection techniques that will fairly test the qualifications of candidates. Examinations may include, but are not limited to, written tests, personal interviews, training and experience ratings, performance tests, evaluation of daily work performance, work samples, or any combination thereof. The Personnel Officer may set minimum standards for all tests. The City also retains the right to conduct a thorough background check of each applicant.

B. All job applicants whose position so requires must submit to a physician's examination and/or drug screen at the City's expense upon being made a conditional offer of employment. For those applicants who are required to be tested, no job commitment shall be made until a negative drug screen result is obtained and a physician has certified that the applicant is medically qualified to perform the essential functions of the position. When the applicant reports to the medical facility for the scheduled examination, personal identification shall be provided to the facility in the form of a photograph and verifiable signature (for example, a driver's license). All test results will be kept confidential. The applicant will be told whether the tests were passed or failed.

RULE V APPOINTMENTS

SEC. 5.1 APPOINTMENT OF NEW EMPLOYEE

A new employee's effective hire date shall be the first day actually worked by the employee.

SEC. 5.2 INTERIM APPOINTMENTS

A. City policy requires all department directors and other appointing authorities whenever possible to notify the Personnel Officer of impending or anticipated vacancies in their departments with enough notice to allow for the establishment of an appropriate eligibility list. However, if it is not practical to give such notification and also not practical to delay appointment until a new eligibility list can be certified, the City Manager may make an interim appointment to the position. As soon as practicable, but not longer than six (6) months after an interim appointment has been made, the Personnel Officer may cause an examination to be prepared, and any positions filled on an interim basis shall be filled by an appointment from an eligibility list. No person shall be employed by the City under an interim appointment for more than six (6) months in any fiscal year. However, the City Manager may, with approval of the Council, extend the period of any interim appointment for not more than 90 days by any one action. No interim appointment shall exceed a total of 12 months.

B. A person appointed to a regular position on an interim basis shall not be entitled to credit toward the completion of the probationary period for the time served in the interim position. The person also shall be entitled to the same salary and other benefits as an employee appointed from an eligibility list, except that the person may not be employed under the interim appointment for longer than the period authorized herein.

C. No special credit shall be allowed in any examination or the establishment of any eligibility lists for services rendered during an interim appointment.

SEC. 5.3 ACTING APPOINTMENTS TO A HIGHER CLASSIFICATION

A. An acting appointment may be made by the Personnel Officer to a higher classification or position occupied by an employee who is absent from work due to temporary leave or disability lasting more than 10 consecutive working days. Such acting appointment shall not exceed six (6) months. The Personnel Officer may extend acting appointments for successive 30-day periods with notification to the City Council. Acting appointments shall be made in accordance with the interim appointments section of these Rules. Upon return of the incumbent from leave or disability, the acting appointment shall immediately be terminated, and the acting employee shall return to the employee's regular classification, compensation and privileges as if the employee had continued the employee's duties in the regular classification.

B. An employee in an acting appointment who is required to serve in a classification with a salary range higher than that of the classification in which the employee is normally assigned shall receive the entrance salary rate of the higher salary range or one rate higher than the rate the employee normally receives, whichever is greater, provided the employee shall perform all the duties and assume all the responsibilities of the higher classification, and only after the employee has served for 10 consecutive working days in the higher classification or for more than 30 days in a 12-month period.

C. The salary rate for the acting appointment shall be effective on the first day of the pay period commencing immediately after the employee has served in an acting capacity for 10 consecutive working days, or 30 days in a 12-month period, and will continue until the acting assignment has concluded. Acting pay shall not be authorized for a period longer than what is authorized herein.

D. An employee may notify Personnel Officer if they believe they should be eligible for acting pay. If the Personnel Officer agrees, acting pay will be retroactive to the date the person would otherwise have been eligible for such pay.

E. An employee in an acting appointment whose regular classification is subject to the overtime requirements of the Fair Labor Standards Act and whose temporary acting classification is exempt from the overtime requirements of the Fair Labor Standards Act will not be eligible for Management Leave while in the acting capacity but will remain eligible for overtime pay. The employee will otherwise be eligible for the benefits applicable to the temporary acting classification.

SEC. 5.4 CLASSIFICATION REVIEW REQUESTS

A. An employee who believes they are performing the substantial preponderance of duties of one or more higher City Council-approved classification(s) on a regular ongoing basis may submit a written request for classification review to the employee's department director. The department director shall act or decline to take action upon the request, with notification to the employee and the Personnel Officer, within 30 calendar days, subject to written appeal within 30 days to the City Manager whose decision shall be final.

B. If approved, the Personnel Officer shall conduct a classification review and shall issue its findings to the employee and the department director within sixty (60) working days of receipt of the request from the department director.

C. If it is determined by the Personnel Officer that an employee is performing the substantial preponderance of duties of one or more higher Council-approved classification(s) on a regular ongoing basis, the employee will receive the differential in pay retroactive to the date the employee submitted the classification review request. The differential shall be based on the entrance salary rate of the higher salary range or one rate higher than the rate the employee normally receives, whichever is greater. It shall be the decision of the department director how to proceed following the receipt of findings to remedy the working out of classification situation. This may include stopping the out-of-class work or requesting that the City Council reclassify the position. For purposes of this provision "substantial preponderance" shall be interpreted as meaning that, in the Personnel Officer's professional opinion, the

employee is performing 80% or more of the duties of the higher class that are not already duties of the employee's existing class.

SEC. 5.5 REINSTATEMENT

The Personnel Officer may reinstate any person who had resigned in good standing, which means the separation was voluntary on the part of the employee and not motivated by disciplinary actions or threats thereof. Reinstatement must be accomplished within one (1) year of the date of resignation. Such reinstatement action may, at the discretion of the appointing authority, take precedence over any eligibility list except a reemployment list. Any person so reinstated shall be subject to a new probationary period of the same length as established for new appointees to a position in the classification.

SEC. 5.6 TRANSFER

The Personnel Officer may transfer an employee from one position to another in the same classification or a comparable classification at the same salary level. While the Personnel Officer retains the right to order the transfer, consideration will be given to the affected employee's and the department directors' wishes. Whenever possible, an employee being transferred from one position to another position in the same classification, or a comparable classification at the same salary level, will receive a minimum 10 working days' notice.

SEC. 5.7 TRAINEE APPOINTMENTS

A. The following provision applies to the appointment to unrepresented positions as well as to positions with the General and Miscellaneous Bargaining Units:

1. Regular positions may be filled temporarily by trainee appointment from amongst those existing regular full-time and part-time employees, hourly employees, and paid interns who will gain during the period of their trainee appointment the minimum qualifications for regular appointment.

Trainees will be compensated at 10% less than the first step of the classification for which they are training, or at their previous City rate of pay if greater, provided that the rate of pay is within the salary range for the classification.

2. The duration of trainee appointments may be for up to a maximum of two years, with the recommendation of the Personnel Officer and the approval of the City Manager. Trainee appointments are assigned to the unclassified service. Upon meeting the minimum qualifications for the classification, the City Manager shall authorize a regular appointment of the trainee to the classification, provided that the position remains available at the higher classification and the department certifies satisfactory

performance to the City Manager. Any regular appointment following a period as a trainee shall be subject to such probationary period as is prescribed in these rules.

3. A trainee who fails to meet the minimum qualifications for the classification will be terminated upon the expiration of the trainee appointment. The employment of such person may also be discontinued if the trainee's conduct, capacity or fitness is not satisfactory at any time. If the trainee fails, refuses to pursue, or does not continue such training or academic courses satisfactorily as may be required, the trainee's employment may be terminated at any time during the traineeship. The employee may be eligible for reinstatement following an unsuccessful trainee placement under the same terms as those applicable to rejection during the probationary period of promoted employees, as provided under these Personnel Rules.

SEC. 5.8 NEPOTISM & CONFLICTS OF INTEREST IN RELATIONSHIPS

A. Conflict of Interest In Employment Relationships

City policy prohibits discrimination with respect to applicants and employees on the basis of marital status, domestic partnership, or any other protected class. However, the City retains the right to refuse to place one party to a relationship under the direct supervision of the other party in a relationship where such has the potential for creating adverse impact on supervision, safety, security or morale. The City further retains the right to refuse to place both parties to a relationship in the same department, division or facility where such has the potential for creating adverse impact on supervision, safety, security or morale, or involves potential conflicts of interest.

For the purpose of this Rule, the definition of "relationship" shall include persons related in the following contexts by blood or marriage (or domestic partnership) or adoption, including step and half relationships: child, sibling, parent, grandparent, grandchild, in-laws. It also includes a personal relationship where an employee is engaged with another individual in an intimate, sexual, or romantic manner; or close business relationships in which the employee has a significant financial interest in the actions of the other individual, whether as a compensated employee or independent contractor, consultant, owner, board member, shareholder, or investor of an outside entity where the employee's annual interest, compensation, investment, or obligation is greater than \$250.

B. Creation of Relationship – Current Employees

Upon the marriage or domestic partnership of two City employees, or the creation of a relationship between two City employees, the Personnel Officer shall be notified in writing by the employees involved or their department director(s). Notification of new or impending relationships shall include the anticipated effect of the relationship and recommendation as to possible action to be taken in assuring efficient departmental operation(s). The Personnel

Officer and/or designated representative shall be responsible to consult with the department director(s) and/or specific employees in reaching a recommendation in accordance with previously stated guidelines and the following suggested options. The City Manager shall be the final determining authority in such matters.

1. The employment relationship is acceptable if no adverse impact is anticipated, related employees are not in a supervisory relationship, related employees are not in direct contact in the same or related departments and the relationship will in no way detrimentally affect departmental operations.
2. Transferring one party to the relationship to an unrelated department may be approved where problems occur or are anticipated. Notwithstanding any provision in these Rules, any such transfer that results in a salary reduction is not disciplinary and is not subject to any grievance or appeal.
3. Adjustment of shifts may be approved if it is believed the relationship will interfere with the work environment.
4. Termination of one of the related employees may be recommended if the department director(s) finds the problems involved in the employment relationship are irresolvable. Notwithstanding any provision in these Personnel Rules, any such separation is not considered to be disciplinary and is not subject to any grievance or appeal.
5. A relationship created between a full-time employee and a department director, the City Manager, Assistant City Manager, City Attorney or an elected City Official will be evaluated on the same basis as the creation of a relationship between classified City employees.

C. Employment of Relatives Generally

No person shall be hired who is related, as defined, to any department director, the City Manager, Assistant City Manager, City Attorney, Personnel Officer, or a member of the City Council.

D. Impacted Employee Complaint

An employee who believes he/she has been adversely affected by a relationship between two employees may submit a complaint to the Personnel Officer or the department director.

RULE VI -PROBATION

SEC. 6.1 PROBATIONARY STATUS

Appointments to classified positions are subject to a probationary period. During the

probationary period the employee may be rejected at any time, for any or no reason, without right of appeal or hearing.

SEC. 6.2 PROBATIONARY PERIODS

A. The probationary period shall not include time served under a temporary, acting, or interim appointment. Periods of time on leaves longer than 30 days require that the probationary period be extended a period of time equal to the amount of time spent on leave.

B. Length of Probationary Period

1. All original and promotional appointments to the classified service shall have a probationary period of one (1) year.

2. Probationary Period – Transfers. Whenever a transfer is made, at the initial request of the employee, the transfer shall be subject to the employee satisfactorily completing a six-month probation period in the new position or completing the remainder of the original probationary period, whichever is longer.

3. Extension of Probationary Period. At the discretion of the appointing authority, any employee serving a probationary period may at the conclusion of such period have the probationary period extended for an additional six (6) months, but for no longer. The appointing authority shall notify the Personnel Officer of such contemplated extension of the probationary period before the probationary period ends.

SEC. 6.3 REGULAR STATUS

A. An employee's status shall be considered regular upon completion of the probationary period only if the department director reports to the Personnel Officer that the services of the employee have been satisfactory and that the employee is recommended for regular status.

B. If recommendation is made for rejection of the probationer by the appointing authority, the appointing authority must furnish a written report to the Personnel Officer indicating the probationer did not meet conditions of probation.

C. No Hourly Employee shall be considered to have regular status.

SEC. 6.4 REJECTION DURING PROBATIONARY PERIOD OF PROMOTED EMPLOYEES

A. Regular Employees: An employee rejected during the probationary period from a position to which the employee has been promoted shall be reinstated to the position from which the employee was promoted, if such position has not been eliminated and is vacant, unless the employee is discharged for cause, which would have been sufficient to cause the employee's

discharge from the former position as well. In such case, the employee shall be entitled to appeal the discharge as provided in these Rules.

B. Probationary Employees: Employees promoted to a higher classification while on probation in a lower classification and who subsequently fail to perform satisfactorily in the promoted position will be entitled to return to their former position provided the position has not been eliminated and is vacant. Such employee shall continue to serve a probationary period for the length of time remaining on the probationary period at the time of promotion.

RULE VII -EVALUATIONS AND RECORDS

SEC. 7.1 EVALUATIONS

A. Frequency

Supervisors are authorized to evaluate a subordinate's performance as often as the supervisor deems appropriate. Regular employees' performance will be evaluated at least one time each year. If the employee performance evaluation is not provided within thirty (30) calendar days of the salary anniversary date, the employee will immediately receive a step increase within the salary range applied retroactively pursuant to the Compensation provisions of these Personnel Rules (see Rules sections 3.2 and 3.3), irrespective of performance.

B. Process

The evaluation of an employee's performance is an ongoing process. Evaluations must be documented in writing. The supervisor(s) will review the evaluation in a private meeting with the employee. The employee shall sign the performance evaluation to acknowledge that the employee is aware of its contents and has discussed the evaluation with the employee's supervisor. The employee's signature on the evaluation does not indicate agreement with its contents. The employee will receive a copy of the evaluation after the meeting with the supervisor(s) and a copy of the evaluation will be placed in the employee's personnel file.

C. No Appeal

An employee does not have the right to appeal any matter relating to a performance evaluation. Instead, the employee may comment on the evaluation in a written statement which will then be placed with the evaluation in the employee's personnel file. The written statement must be submitted within 10 calendar days after the employee receives the evaluation. The time for submission of a written statement may be extended upon approval of the employee's supervisor.

SEC. 7.2 PERSONNEL RECORDS

A. General

The City maintains a personnel file on each employee. Files are kept for at least three years after separation from employment, or for such longer period as may be established under the City's records retention policies. An employee's personnel file will contain only material that is necessary and relevant to the administration of the City's personnel program. Personnel files are the property of the City, and access to the information they contain is restricted to the employee, the Personnel Officer and, where applicable, the employee's supervisor or the supervisor of a City position for which an employee has applied and is under consideration for appointment.

B. Notifying City of Changes in Personal Information

Each employee is responsible to notify the Personnel Officer of any changes in relevant personal information, including:

1. Mailing address
2. Telephone number
3. Persons to contact in emergency
4. Number and names of dependents

C. Location of Personnel Files

Personnel files are kept in the office of the Personnel Officer.

D. Medical Information

1. **Separate Confidential Files.** All medical information about an employee or applicant is kept separately and is treated as confidential, in accordance with applicable state or federal law.
2. **Information in Medical Files.** The City will not obtain medical information about an employee or applicant except in compliance with the California Confidentiality of Medical Information Act. To enable the City to obtain certain medical information, the employee or applicant may need to sign an Authorization for Release of Employee Medical Information.
3. **Access to Medical Information.** Access to employee or applicant medical information shall be strictly limited to only those with a legitimate need to have such information for City business reasons, or if access is required by law, subpoena or court order. In the case of

an employee with a disability, managers and supervisors may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations.

The City will not provide employee or applicant medical information to any third party (except as permitted under the California Confidentiality of Medical Information Act) unless the employee signs an Authorization for Release of Employee Medical Information, which can be obtained from the Personnel Officer. The City will release only the medical information that is identified in the employee's authorization. If the employee's authorization indicates any limitations regarding the use of the medical information, the City will communicate those limitations to the person or entity to which it discloses the medical information.

E. References and Release of Information in Personnel Files

1. Public Information. Upon request, the City will release to the public information about its employees as required by the Public Records Act. The City will not disclose personnel information if it believes doing so would constitute an unwarranted invasion of personal privacy.

2. Reference Checks. All requests from outside the City for reference checks or verification of employment concerning any current or former employee must be referred first to the Personnel Officer. Information will be released only if the employee signs an Authorization for Release of Employee Information, except that without such authorization, the following limited information will be provided: job classification, department, dates of employment, and salary upon departure. Department directors and supervisors should not provide information in response to requests for reference checks or verification of employment, unless specifically approved by the Personnel Officer on a case-by-case basis.

3. Medical Information. Medical information will be released only in accordance with subsection D above.

F. Employee Access to Personnel File.

1. Inspection of File. An employee may inspect the employee's own personnel files, at reasonable times and at reasonable intervals, within 30 days of a written request. An employee who wishes to review the file should contact the Personnel Officer to arrange an appointment. A former employee is entitled to inspect the employee's personnel records one time per year. The review must be done in the presence of the Personnel Officer or the Personnel Officer's designee.

2. Copies. On request, an employee is entitled to receive a copy of any employment related document the employee has signed. An employee who wishes to receive such a copy

should contact the Personnel Officer. On request, the City will also provide an employee single copies of any other documents in the employee's personnel file. The City may charge a reasonable fee for the copies.

3. In the event the employee wishes to have another person/representative inspect the employee's personnel file, the employee must provide the person/representative with written authorization. The Personnel Officer, or the Personnel Officer's designee, will notify the employee of the date, time and place of the inspection in writing. It is the employee's responsibility to notify the person to whom the employee has given written authorization of the date, time and place of the inspection.

4. Under no circumstances is the employee and/or the employee's designee permitted to add or remove any document or other item from the employee's personnel file during the inspection.

RULE VIII -HOURS OF WORK/OVERTIME

SEC. 8.1 POLICY

Except as provided in the Nine Eighty (9/80) Plan in Sec. 8.6 below, it is the policy of the City that eight (8) hours shall constitute a day's work, and five (5) days shall constitute a week's work, for all full-time employees, except that workdays and work weeks of a different number of hours may be established in order to meet varying needs of the different City departments.

SEC. 8.2 WORK PERIODS

The work period shall be seven (7) consecutive 24-hour periods. Forty (40) hours shall be worked during this period.

SEC. 8.3 DAILY HOURS OF WORK

Except as provided in the Nine Eighty (9/80) Plan in these Rules, daily hours of work or shifts for employees within departments shall be assigned by the department directors as required to meet the operational requirements of such departments. The normal work shift for employees is eight (8) hours per day. Employees shall be allowed a 15-minute paid rest period for every four (4) hours of continuous work. Employees shall be permitted an uncompensated lunch break when working more than six (6) hours.

SEC. 8.4 CHANGE IN WORKING HOURS

Any foreseeable absence or deviation from regular working hours desired by an employee shall, in advance, be cleared through the supervisor, and such absence shall be noted in the

employee's time entry. Deviations from an overtime-eligible employee's normal Friday work schedule, even where the number of daily hours is the same, should be reported to Human Resources to ensure appropriate overtime pay calculation.

SEC. 8.5 OVERTIME

Hours worked by a non-exempt (overtime-eligible) employee during the 7-day workweek designated pursuant to the Fair Labor Standards Act (FLSA) that exceed 40 hours constitute overtime.

Overtime-eligible employees are not permitted to work overtime except as the department director authorizes or directs, or as performed in response to an emergency, as determined by the City. Overtime-eligible employees directed to work overtime must do so and advanced notice will be given when reasonable. Working overtime without advance approval is grounds for discipline. Overtime-eligible employees must record any time worked in excess of 40 hours in a work week on their time sheet; volunteering work time to perform duties similar to an employee's normal work duties, or working "off the clock," is not permitted for overtime-eligible employees. Supervisors are not authorized to request that overtime-eligible employees perform such uncompensated work. Overtime is compensated at 1.5 times the employee's regular rate of pay as calculated under the Fair Labor Standards Act. Only actual hours worked will be counted toward the 40-hour threshold for purposes of calculating FLSA overtime pay.

Hours paid but not worked, such as vacation, holidays, jury duty, compensatory time off, and standby, shall not be considered hours worked for purposes of calculating overtime. Although no employee exempt from overtime shall be entitled to any compensation for overtime work, such employees shall receive management leave as specified in the Management Leave section of these Rules.

Hours of work for travel shall be compensated in accordance with the applicable provisions of the Travel Policy in these Rules.

SEC. 8.6 THE 9/80 PLAN

A. Participation in the optional 9/80-work schedule is available to full-time regular employees, subject to department director approval. Employees who participate in the 9/80 work schedule will continue to work eighty (80) hours in a two week pay period, but will do so over nine days instead of the usual ten days. The work schedules for Public Works and field employees will be determined by the appropriate department director, subject to the operational needs of the City.

B. The typical work day for 9/80 participants will be a nine (9) hour day Monday through Thursday. On alternating Fridays employees will work an eight (8) hour day.

C. The City recognizes that some employees may require flexibility with their schedules. Exceptions to participation in a 9/80-work schedule shall be recommended by the department director and approved by the Personnel Officer or designee. All exceptions will be evaluated on a case-by-case basis with considerations including, but not limited to, the following: dependent care needs, pursuit of higher education, unique medical condition, traffic and transportation concerns, and special needs of the department. An employee who works a flexible schedule must have documentation in the employee's personnel file outlining the specifics of the employee's work schedule.

D. The 9/80-work schedule will not affect accrual rates for vacation or sick leave. The number of scheduled work hours during which the employee is absent will be deducted from the appropriate leave accumulation, i.e., sick, vacation, compensatory, etc. For example, an employee taking a two-week vacation will have eighty (80) hours of leave deducted (eight nine-hour days plus one eight-hour day). An employee taking a single vacation day or who is absent a full day due to illness will have either eight or nine hours deducted from the employee's accrual balance, depending upon the number of hours scheduled to be worked on that particular day.

E. Based upon a 9/80-work schedule, the non-exempt employee work week, for Fair Labor Standards Act (FLSA) and overtime purposes, shall consist of a forty (40) hour period within seven (7) consecutive days. Subject to exceptions as specified, the employee work week ends each Friday at noon. The new work week begins at 12:01. Implementation of the 9/80-work schedule in and of itself should not result in an increase in FLSA overtime.

Week No. 1	Monday 7:30-5:30 9 hours	Tuesday 7:30-5:30 9 hours	Wednesday 7:30-5:30 9 hours	Thursday 7:30-5:30 9 hours	Friday 8:00 :-12:00 4 hours	Total Hours 40
Week No. 2	Friday <i>(Reflected in Payroll as Saturday)</i> 12:00-4:00 4 hours	Monday 7:30-5:30 9 hours	Tuesday 7:30-5:30 9 hours	Wednesday 7:30-5:30 9 hours	Thursday 7:30-5:30 9 hours	Total Hours 40

F. Holidays will continue to be compensated at the rate of eight (8) hours of the employee's regular rate of pay. Part-time employees will receive a pro-rated amount of holiday hours based on the number of hours they are scheduled to work in a two-week pay period.

If a holiday observance is on a scheduled 9/80 off day, eight (8) hours of holiday-in-lieu leave will be credited to the employee's holiday accrual balance for use at a later time, subject to advance approval by the department director. All holiday-in-lieu leave must be used by the employee within the fiscal year that it is accrued.

G. If a holiday occurs on a nine (9) hour day, employees must use one (1) hour of leave accrual, such as vacation, floating holiday, holiday-in-lieu, or compensatory time to fulfill the nine (9) hour day.

H. The City Manager reserves the right to suspend temporarily all or portions of the 9/80-work plan, based on staffing needs and/or emergency considerations.

SEC. 8.7 STANDBY AND CALL OUT

A. Standby Duty:

1. Standby duty shall be defined as time outside of an employee's scheduled work shift when the employee must remain prepared to respond to emergencies or other unplanned events which require prompt attention.
2. While on such duty, employees shall carry an electronic pager, cellular phone, or other communication device so that they may be alerted to the need to respond to an emergency or urgent situation.
3. Employees participating in Standby Duty shall be compensated at a rate equivalent to one (1) hour of regular pay at the top step of their pay range in the City of Goleta Salary Schedule for each eight (8) hour period that they spend on said duty.
4. While performing Standby Duty, employees must remain within a thirty (30) minute response time of the workplace and must have access to transportation at all times.
5. Employees shall not consume, be impaired by or have in their biological system alcohol or drugs while performing Standby Duty. All of the provisions of the City of Goleta Alcohol and Drug Policy in Rule XVI below shall apply to employee's participation in Standby Duty.

B. Call Out:

1. Call outs are compensated at the rate of 1.5 times the employee's regular rate of hourly pay, unless a call-out occurs on a holiday
2. Compensation for call-outs during holidays is at the rate of 2 times the employee's regular rate of hourly pay. Recording of call-out time shall be done in conformance with the City's time entry procedures. The employee shall also be granted holiday in lieu hours for the holiday time not taken, as authorized below.
3. Employees called out shall be compensated for a minimum of two hours of work at the rates indicated above, or until the commencement of the normal work schedule, whichever occurs first. Likewise, holiday in lieu for call out on a holiday will be a minimum of two hours.

4. Employees must record the call out in their time entry and complete an overtime authorization form the next work day.
5. Work time added to the end of an employee's normal shift will not be considered call-out.
6. Employees called out are required to respond and to be attired in a manner which allows for clear identification as a City employee and which allows for safe resolution of the call out situation.

RULE IX -LEAVES

SEC. 9.1 HOLIDAYS

A. The following days shall be recognized and observed as paid holidays for regular and probationary employees:

1. New Year's Day (January 1)
2. Martin Luther King Jr.'s Birthday
3. Presidents' Day
4. Memorial Day
5. Juneteenth (June 19)
6. Independence Day (July 4)
7. Labor Day
8. Veteran's Day (November 11)
9. Thanksgiving Day
10. Day After Thanksgiving Day
11. Christmas Eve (December 24)
12. Christmas Day (December 25)
13. New Year's Eve (December 31)
14. Cesar Chavez Day (eight-hour floating holiday)

B. Employees shall receive eight (8) hours pay for each of the holidays listed. Part-time regular employees receive holiday benefits on a pro-rated basis based on number of hours worked. For employees in operations with weekend hours normally open to the public (e.g., libraries), if a holiday falls on a Saturday or Sunday it will be observed on the actual Saturday or Sunday holiday, with double time pay (and holiday in lieu) earned for work on the actual holiday.

C. Whenever a holiday falls on a Saturday, it will be observed the previous Friday. If a holiday falls on a Sunday, it will be observed the following Monday.

D. If a non-exempt (overtime-eligible) employee works on the day the City observes any of the holidays listed above (excluding the floating holiday), the employee shall be paid for all hours worked at the rate of two (2) times the employee's regular rate of pay.

E. An employee who works on a holiday shall be granted holiday in lieu hours for the same number of hours as the holiday time not taken, except as provided in the Call Out Policy. All work on a holiday must be authorized by the department director, or be performed in response to an emergency, as determined by the City.

SEC. 9.2 VACATION

A. Full-time regular and probationary employees in all classifications shall accrue vacation, on a daily basis, according to the following schedule:

1. From the date of hire through completion of three (3) years of service: 88 hours per year.
2. Beginning the fourth year of service through completion of five (5) years of service: 104 hours per year.
3. Beginning the sixth year of service through completion of ten (10) years of service: 120 hours per year.
4. Beginning the eleventh year of service through the completion of fourteen (14) years of service: 160 hours per year.
5. Beginning the fifteenth year of service: 176 hours per year.

Part-time regular and probationary employees receive benefits on a pro-rated basis based on number of hours worked.

B. The maximum number of vacation days that may be accumulated by an employee is 320 hours. Once an employee reaches the maximum accumulation, he/she shall cease vacation accrual until the employee's total number of vacation hours falls below the maximum allowable.

C. Employees may elect to receive cash equal to the employee's hourly base wage for 8 hours minimum to 100 hours maximum of vacation leave accrued but not taken provided the following conditions are met:

1. The employee must take at least 80 hours of combined vacation and/or management
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leave during the current fiscal year.

2. The employee must still have a minimum of 40 hours of accrued vacation leave after cashing out of these hours and after all scheduled vacation leave has been taken during the current fiscal year.

D. At termination of employment for any reason, the City shall compensate the employee for the employee's accumulated vacation time at the employee's regular rate of pay at the time of termination.

E. The City will not require an employee to use vacation time in lieu of sick leave or leave of absence during periods of illness. However, the employee may elect to use vacation time in case of extended illness where sick leave has been fully used.

F. If a holiday falls on a workday during an employee's vacation period, that day shall be considered as a paid holiday and not vacation time.

G. Vacations may be scheduled at any time during the year upon approval of the employee's immediate supervisor.

SEC. 9.3 SICK LEAVE

A. This policy shall apply to full-time probationary and regular employees in all classifications. Part-time regular employees receive benefits on a pro-rated basis based on number of hours worked. For every twelve (12) month period of employment, all employees, including full-time, temporary, part-time, and seasonable employees, shall accrue no less than twenty-four (24) hours of paid sick leave by their 120th calendar day of employment, and no less than forty (40) hours of paid sick leave by their 200th calendar day of employment.

B. Sick leave is defined as paid leave for an absence from work due to illness, diagnosis or treatment of an existing health condition, preventative health care, non-industrial injury, quarantine due to exposure to a contagious disease, dentist and doctor visits, and other reasons provided for by Labor Code Section 246.5(a). Sick leave is subject to the limits and provisions of this policy.

C. Employees shall earn sick leave at the rate of eight hours per month. The accumulation of sick leave is unlimited.

D. Sick leave shall be allowed only in case of necessity and actual sickness or disability of the employee, illness in the employee's immediate family (as defined in paragraph I), or as otherwise provided by Labor Code Section 246.5(a). Under state Kin Care law, employees may use up to one half of their sick leave to care for a parent, child, spouse or domestic partner.

E. In order to receive compensation while on sick leave, the employee shall notify the employee's supervisor of the employee's absence with reasonable advance notice if the need is foreseeable. If the need is not foreseeable, the employee shall notify the employee's supervisor prior to the time for beginning the regular work day, or as soon thereafter as practicable. If the employee is required to be absent for more than one day, the employee must keep the supervisor informed of the status of the absence and anticipated return date, and must submit medical certification and leave of absence paperwork as required by City leaves of absence policies.

F. If absence from duty by reason of illness occurs, satisfactory evidence may be required by the Personnel Officer. For sick leave taken pursuant to Labor Code Section 246.5(a), the employee shall only be required to provide notice to supervisory personnel that the employee's absence is for a purpose defined under that section.

G. When an employee retires under the California Public Employees Retirement System (CalPERS), the employee's unused sick leave may be converted to additional CalPERS service credit. The rate of conversion will be determined by CalPERS.

H. An eligible part-time employee who separates from employment with the City and returns to active employment within 12 months of their separation date will have their accrued and unused sick leave balance reinstated, up to a maximum of 48 hours or 6 days, whichever is greater. For purposes of this provision, unused sick leave is leave that was accrued, but never taken by the employee nor cashed out, up to 48 hours. An employee who worked at least 90 days in the initial employment with the City may immediately use reinstated sick leave. An employee who had not worked 90 days in the initial employment with the City must work the remaining amount of the 90 day-qualifying period to be able to use accrued sick leave.

I. Sick leave may also be used for bereavement leave in the event of death in the immediate family, if an employee has exhausted any available bereavement leave, as provided in the Bereavement Leave section of these Personnel Rules.

J. "Immediate family member" is defined broadly, and includes: a spouse or domestic partner, parent, child, sibling, grandparent, father-in-law, mother-in-law, sibling-in-law, or any other person who is a legal dependent of the employee, or who is a designated person. The City may limit an employee to name one designated person per twelve (12) month period. Exceptions to this definition shall be reviewed and approved by the City Manager in the City Manager's sole discretion.

SEC. 9.4 CONVERSION OF SICK LEAVE TO VACATION

Employees may convert sick leave to vacation at separation in accordance with the following procedure. Sick leave may be converted to vacation leave at the rate of 80 hours of sick leave to eight hours of vacation leave. This request to convert sick leave to vacation leave for the

purpose of compensation at separation must be approved by the Personnel Officer.

When an employee retires under the California Public Employees Retirement System (CalPERS), the employee's sick leave may be converted to additional CalPERS service credit in lieu of conversion to vacation. The rate of conversion will be determined by CalPERS.

Sick leave that has been converted to vacation or to CalPERS service credit upon separation is not eligible for reinstatement if the employee returns to active employment.

SEC. 9.5 ADMINISTRATIVE LEAVE

The City may place an employee on leave with full pay for non-disciplinary reasons at any time when the City Manager determines that the employee's or City's best interests warrant the leave. The employee does not have a right to appeal the decision to be placed on administrative leave with pay.

An employee assigned to administrative leave will be required to be reasonably available to respond by phone or in person during their regular working hours. In addition, employees on an administrative leave are prohibited from entering City facilities or property or communicating with City employees, except to the extent that non-employees may access City facilities, property, or employees. The City Manager may place other reasonable restrictions on an employee during the period of administrative leave, depending on the circumstances.

SEC. 9.6 BEREAVEMENT LEAVE

A. Employees may take up to 5 days of unpaid bereavement leave from work upon the death of a covered family member, defined as a spouse or domestic partner, child, parent, sibling, grandparent, grandchild, uncle or aunt, sibling in-law, or parent-in-law or any other person who is a legal dependent of the employee. Exceptions to this definition shall be reviewed and approved by the City Manager in the City Manager's sole discretion. Such bereavement leave must be completed within three (3) months of the date of death and need not be taken consecutively. The City will not refuse to hire and will not discharge, demote, fine, suspend, expel, or discriminate against, an individual because of the employee's use of bereavement leave.

B. Bereavement Leave Pay

1. Paid Bereavement Leave shall apply to full-time probationary and regular employees in all classifications. Part-time employees receive benefits on a pro-rated basis based on number of hours worked.
2. Eligible employees shall earn bereavement leave at the rate of 24 hours per fiscal year. Unused bereavement leave cannot be carried over from one fiscal year to the next. Bereavement leave cannot be cashed out at separation.

3. In order to receive compensation while on bereavement leave, the employee shall notify the employee's supervisor of the employee's absence prior to the time for beginning the regular work day, or as soon thereafter as practical.

C. Use of Leave Balances

Employees may use any accrued paid vacation, management leave, holiday in lieu, accrued and available sick leave, or compensatory time off that is otherwise available to the employee once the employee has exhausted any available Bereavement Leave pay.

D. Documentation and Confidentiality

Employees must provide documentation of the death of a covered family member to the Personnel Officer within 30 days of the first day of the leave. Documentation includes, but is not limited to, a death certificate, a published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or governmental agency. The City will maintain the confidentiality of any employee requesting bereavement, as well as the documentation the employee provides, except to internal personnel or legal counsel, as necessary, or as required by law.

SEC. 9.7 REPRODUCTIVE LOSS EVENT

All employees who have been employed for the City for at least 30 days are entitled to an unpaid leave of absence of up to five (5) days in total following a reproductive loss event. Such leave must be taken within three (3) months of the reproductive loss event. If an employee experiences more than one reproductive loss event within a 12-month period, the City will grant the employee a cumulative total of up to 20 (twenty) unpaid days of leave; subject to the limitation that unpaid leave of absence for each event shall not exceed five (5) days.

A reproductive loss event is defined as: failed adoption, failed surrogacy, miscarriage, stillbirth, or unsuccessful assisted reproduction. If the employee would have been recognized as a parent, the employee will be covered under this definition. This includes the employee, the employee's current spouse or domestic partner, or another individual if the person would have been a parent of a child as a result of the event.

The leave of absence following a reproductive loss event is unpaid, though an employee may elect to utilize any accrued and available paid sick leave, vacation, personal leave, or compensatory time off that is otherwise available to the employee.

SEC. 9.8 MILITARY LEAVE

Military leave with pay shall be granted in accordance with the applicable sections of the California Military and Veterans Code and relevant federal law. An employee requesting leave for this purpose shall provide the department director, whenever possible, with a copy of the military orders specifying the dates, site and purpose of the activity or mission. Within the limits of such orders, the department director may determine when the leave is to be taken and may modify the employee's work schedule to accommodate the request for leave.

The City will also provide unpaid military spouse leave for spouses of military personnel who work 20 hours or more per week, in accordance with the California Military and Veterans Code and relevant federal law.

SEC. 9.9 CIVIL SERVICE AND AIR PATROL LEAVE

Civil Air Patrol ("CAP") leaves of absence are granted without pay. Voluntary members of the CAP may take ten (10) days leave per year, beyond any other leave benefits, in order to respond to an emergency operational mission. To qualify, an employee must be employed for at least ninety (90) days immediately preceding the commencement of the leave.

Volunteer civil service/emergency responder leaves are granted without pay for employees who are required to perform emergency duty as volunteer firefighters, reserve peace officers or emergency rescue personnel. Employees who serve as volunteer firefighters may also take up to 14 days of leave per calendar year for the purpose of engaging in fire or law enforcement training.

Employees are required to give as much notice as possible of the intended dates on which the leave would begin and end. Employees must submit written verification from the appropriate authority. The City will reinstate those employees returning from leave to their same position or one of comparable seniority, status and pay.

SEC. 9.10 JURY DUTY

A. This policy shall apply to probationary and regular employees in all classifications.

B. An employee summoned for jury duty will immediately notify their supervisor. While serving on a trial jury, the employee will be given a leave of absence, with pay, for the duration of such jury duty. Such leave of absence with pay is conditional upon the employee returning to work upon the employee's dismissal each day to complete his normal work day. It is also conditional upon the employee's conveyance to the City of any compensation received as a juror, not including any travel allowance received.

SEC. 9.11 VOTING LEAVE

Any employee, if they do not have sufficient time outside of working hours to vote, may request up to two hours of paid leave either at the beginning or end of scheduled working hours to enable the employee to vote. Employees must request time off to vote from their immediate supervisor at least two days prior to the election.

SEC. 9.12 BONE MARROW AND ORGAN DONOR LEAVE

The City will grant a paid leave of absence of up to 30 working days in any 12-month period for the purpose of donating an organ to another person. The City will also provide up to five (5) unpaid working days off in any 12-month period for bone marrow donation. An additional unpaid leave of up to 30 business days in a 12-month period may be granted to an employee donating an organ. The 12-month period is measured from the date the leave commences.

Employees must use any accrued unused vacation or sick leave for time off for bone marrow donation. Employees must also use up to two (2) weeks of accrued unused vacation or sick leave, if available, for time off for organ donation.

To be eligible, employees must have been employed with the City for 90 days immediately preceding the commencement of leave. Time off for bone marrow or organ donation may be taken all at once or incrementally. Employees are required to provide written verification of the fact of donation and that there is a medical necessity for the donation of the organ or bone marrow. The employee must alert his/her supervisor as soon as he/she/they learn(s) of the need for such leave.

SEC. 9.13 CRIME VICTIM / VICTIM FAMILY MEMBER LEAVES

A. Crime Related Court Attendance: Any employee, including a temporary employee, who is a victim of a crime that is a serious or violent felony, or a felony involving theft or embezzlement, may take leave from work to attend judicial proceedings related to that crime, if the employee provides the City a copy of the notice of the scheduled proceeding in advance. If advance notice is not feasible, the employee must provide the City, within a reasonable time after the leave is taken, documentation from the District Attorney, victim's rights office, or court/governing agency that shows that the judicial proceeding occurred when the leave was used.

An employee who is an immediate family member of such a crime victim, including: a registered domestic partner; the child of the registered domestic partner; spouse; child; stepchild; brother; stepbrother; sister; stepsister; mother; stepmother; father; or stepfather of the crime victim is also entitled to leave from work to attend judicial proceedings relating to that crime. The leave provided under the section is unpaid unless the employee elects to use accrued vacation or other paid leave, or compensatory time off.

B. Proceedings Involving Victim's Rights: Any employee, including a temporary employee, who is a victim of a crime listed in Labor Code section 230.5(a)(2), may take leave from work to appear in court to be heard at any proceeding in which the right of the victim is at issue, if the employee provides the employer reasonable advance notice. If advance notice is not feasible, the employee must provide the City, within a reasonable time after the leave is taken, certification from a police report, a district attorney or court, or from a health care provider or victim advocate, that the employee was a victim of any of the crimes listed in Labor Code section 230.5(a)(2).

An employee who is a spouse, parent, child, sibling, or guardian of such a crime victim is also a victim who is entitled to this leave if the above notice or certification requirements are met.

The leave is unpaid unless the employee elects to use accrued vacation, or other paid leave, or compensatory time off.

SEC. 9.14 LEAVE FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING

The City will grant unpaid leave to an employee who is the victim of domestic violence, sexual assault, or stalking, and who needs time off to seek relief, including to appear in court to obtain relief to ensure the health, safety, and welfare of the employee or employee's family member. The City will also provide reasonable accommodations for a victim who requests an accommodation for the safety of the victim while at work, provided such accommodation would not cause an undue hardship on business operations. The City will maintain the confidentiality of any employee requesting this leave. Employees may choose to use accrued time off, such as paid sick leave or vacation, when taking time off under this policy.

The City will also provide unpaid time off for victims of domestic violence to seek medical attention for injuries caused by domestic violence or sexual assault, to obtain services from a domestic violence shelter, program, or rape crisis center, or to obtain psychological counselling or to participate in safety planning or other actions as a result of the domestic violence or sexual assault.

SEC. 9.15 LACTATION BREAKS

A. An employee who wishes to express breast milk for her infant child during her scheduled work hours will receive additional unpaid time beyond the 15-minute compensated rest period. The employee may, but is not required to, use her personal leave banks (e.g., vacation, compensatory time, management leave) to cover such time. Those desiring to take a lactation break must notify a supervisor prior to taking such a break. The requested break time should, if possible, be taken concurrently with other scheduled break periods. Breaks may be reasonably delayed by the supervisor if they would seriously disrupt operations. The City reserves the right to deny an employee's request for a lactation break if the additional break

time will seriously disrupt City operations. Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

B. Private Location

The City will provide employees with the use of a room or other location (other than a bathroom) to express breast milk in private. The City will attempt to find a location in close proximity to the employee's work area, shielded from view, and free from intrusion. Such space will meet the requirements of the California Labor Code including a surface to place a breast pump and personal items, a place to sit, access to electricity, a sink with running water, and a refrigerator for storing breast milk.

Employees occupying such private areas shall either secure the door or otherwise make it clear to others through signage that the area is occupied and should not be disturbed. All other employees should avoid interrupting an employee during an authorized break under this section, except to announce an emergency or other urgent circumstance.

C. No Discrimination or Retaliation

The City prohibits any form of discrimination or retaliation against an employee for exercising or attempting to exercise any rights provided by this policy. Any such conduct or other violations of this policy should be reported to the Human Resources Manager or designee. Employees have the right to file a complaint with the California Labor Commissioner for violation of a lactation accommodation right described in this policy.

SEC. 9.16 SCHOOL AND CHILDCARE-RELATED LEAVE

In accordance with Labor Code 230.8, any employee who is a parent, guardian, stepparent, foster parent, grandparent, or person who stands in loco parentis to one or more non-adult children who are in kindergarten or grades 1 through 12, or who are in a licensed child care facility, shall be allowed up to 40 hours each school year, not to exceed eight hours in any calendar month of the school year, to: (a) participate in activities of their child's school or licensed child care facility; (b) find, enroll, or reenroll a child in a school or with a licensed child care provider; or (c) or to pick up a child due to a childcare provider or school emergency. Covered activities include field trips, parent-teacher conferences, and school assemblies. A school emergency is one in which the child cannot stay in the care of the school or provider for any of the following reasons: the school or childcare provider has unexpectedly requested that the child be picked up; behavioral or discipline issues; unexpected closure of the school or childcare provider; natural disasters such as fire, earthquake, or flood.

The employee must provide reasonable advance notice to their supervisor of the planned absence. The leave is unpaid unless the employee uses their available leave balances (vacation, floating holiday, management leave, or compensatory time off). The employee must provide documentation from the school or licensed childcare facility as verification that the employee participated in school or childcare facility activities on a specific date and at a particular time. If both parents, guardians or grandparents having custody work for the City at the same work site, only the first parent requesting will be entitled to leave under this provision.

SEC. 9.17 FAMILY AND MEDICAL LEAVE

A. Statement of Policy

To the extent not already provided for under current leave policies and provisions, the City will provide family and medical care leave for eligible employees as required by state and federal law. The following provisions set forth certain of the rights and obligations with respect to such leave. Rights and obligations which are not specifically set forth below are set forth in the Department of Labor regulations implementing the federal Family and Medical Leave Act of 1993 (“FMLA”), and the regulations of the California Family Rights Act (“CFRA”). Unless otherwise provided by this policy, “leave” under this policy shall mean leave pursuant to the FMLA and CFRA.

B. Definitions

1. “12-Month Period” means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.
2. “Single 12-month period” means a 12-month period which begins on the first day the eligible employee takes FMLA leave to take care of a covered service member and ends 12 months after that date.
3. “Child” means a child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee’s child is one for whom the employee has actual day-to-day responsibility for care and includes, a biological, adopted, foster or step-child. A child is “incapable of self-care” if the child requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living — such as, caring for grooming and hygiene, bathing, dressing and eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, etc.
4. “Parent” means the biological, adoptive, step or foster parent of an employee, or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child. This term does not include parents-in-law.

5. "Spouse" means a husband or wife as defined or recognized under California law for purposes of marriage.

6. "Domestic Partner," as defined by Family Code §§ 297 and 299.2, shall have the same meaning as "Spouse" for purposes of CFRA Leave.

7. "Serious health condition" means an illness, injury impairment, or physical or mental condition that involves:

a. Inpatient Care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, or perform other regular daily activities due to the serious health condition, treatment involved, or recovery therefrom); or

b. Continuing treatment by a health care provider: A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

i. A period of incapacity (i.e., inability to work, or perform other regular daily activities) due to serious health condition of more than three full consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

ii. Treatment two or more times within 30 days of the first day of incapacity, unless extenuating circumstances exist by a health care provider, by a nurse, or by a provider of health care services (e.g., a physical therapist) under orders of, or on referral by a health care provider. The first in-person treatment visit must take place within seven days of the first day of incapacity; or

iii. Treatment by a health care provider on at least one occasion which must take place within seven days of the first day of incapacity and results in a regimen of continuing treatment under the supervision of the health care provider. This includes for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter, and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.

iv. Any period of incapacity due to pregnancy or for prenatal care. This entitles the employee to FMLA leave, but not CFRA leave. (Under California law, an employee disabled by pregnancy is entitled to pregnancy disability leave.)

v. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

vi. Requires periodic visits (defined as at least twice a year) for treatment by a health care provider or by a nurse;

vii. Continues over an extended period of time (including recurring episodes of a single underlying condition); and

viii. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave even if the absence lasts only one day.

ix. A period of incapacity which is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

x. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

8. "Health Care Provider" means:

a. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of California;

b. Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, who directly treat or supervise treatment of a serious health condition;

c. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California law;

d. Nurse practitioners and nurse-midwives, clinical social workers, and physician assistants who are authorized to practice under California law and who are performing within the scope of their practice as defined under California law;

e. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; and

f. Any health care provider from whom an employer or group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

9. "Covered active duty" means: (1) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with Armed Forces to a foreign country, or (2) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of a member of the Armed Forces to a foreign country under a call or order to active duty under certain specified provisions.

10. "Covered Service member" means (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty; or (2) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

11. "Outpatient Status" means, with respect to a covered service member, the status of a member of the Armed Forces assigned to either: (1) a military medical treatment facility as an outpatient; or (2) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

12. "Next of Kin of a Covered Service Member" means the nearest blood relative other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: Blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as the covered service member's nearest blood relative for purposes of military caregiver leave under the FMLA.

13. "Serious Injury or Illness" (1) in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; or (2) in the case of a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy, means a qualifying injury or illness that was incurred by the member in the line of duty on active duty in the

Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

C. Eligibility

An employee is eligible for leave if the employee:

1. Has been employed for at least 12 months; and
2. Has worked for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave. The Fair Labor Standards Act (FLSA) "hours worked" principles apply in determining whether an employee meet the "at least 1250 hours" requirement.

D. Reasons for Leave

Leave is only permitted for the following reasons:

1. The birth of a child or to care for a newborn of an employee;
2. The placement of a child with an employee in connection with the adoption or foster care of a child;
3. Leave to care for a child, parent, spouse, or domestic partner who has a serious health condition;
4. Leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position;
5. Leave for a "qualifying exigency" may be taken arising out of the fact that an employee's spouse, son, daughter, or parent is on covered active duty or call to active duty status (under the FMLA only, not the CFRA); or
6. Leave to care for a spouse, son, daughter, parent, or "next of kin" who is a covered service member of the United States Armed Forces who has a serious injury or illness incurred in the line of duty while on active military duty or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces (this leave can run up to 26 weeks of unpaid leave during a single 12-month period) (under the FMLA only, not the CFRA).
7. Leave to care for a "designated person", as defined by the CFRA (currently defined as an individual related by blood or whose association with the employee is the equivalent of

a family relationship, or who has been identified by the employee as a designated person at the time the employee requests paid sick days), who has a serious health condition, limited to one designated person in a 12-month period.

F. Amount of Leave

Eligible employees are entitled to a total of 12 workweeks (or 26 weeks to care for a covered service member) of leave during any 12-month period. Where FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

G. Minimum Duration of Leave

If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g., bonding with a newborn) for at least one day, but less than two weeks duration on any two occasions.

If leave is requested to care for a child, parent, spouse or for the employee with a serious health condition, there is no minimum amount of leave that must be taken. However, the notice and medical certification provisions of this policy must be complied with.

H. Parents Both Employed by the City of Goleta

In any case in which both parents are employed by the City and are entitled to leave, the maximum collective amount of leave they may take for child-bonding may be limited to 12 workweeks during any 12-month period.

In any case in which a husband and wife both employed by the City are entitled to leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 26 workweeks during any 12-month period if leave is taken to care for a covered service member.

Except as noted above, this limitation does not apply to any other type of leave under this policy.

I. Employee Benefits While on Leave

1. Leave under this policy is unpaid. While on FMLA leave, employees will continue to be covered by the City's group health insurance plan for up to 12 weeks each leave year. If the employee is disabled by pregnancy, coverage will continue to be covered for up to 4 months each leave year.
2. While the employee's insurance benefits are continued on Leave under this policy, the

City will also continue to pay that portion of the Flexible Benefit Plan allowance provided under these Personnel Rules up to the lesser of 1) the full allowance amount or 2) the employee's cost for family medical, dental and vision insurance premium elections on the first date of absence.

3. In the event an employee is disabled by pregnancy and also uses leave under the CFRA, the City will maintain the employee's health benefits while the employee is disabled by pregnancy (up to four months or 17 weeks) and during the employee's CFRA leave (up to 12 weeks). Employee has the option to maintain coverage under the City's dental and vision plans at the employee's expense.
4. Employees may make the appropriate contributions for continued coverage under the preceding non-health benefit plans by payroll deductions or direct payments made to these plans. Depending on the particular plan, the City will inform the employee whether the premiums should be paid to the carrier or to the City.
5. An employee's coverage on a particular plan may be dropped if the employee is more than 30 days late in making a premium payment. However, the employee will receive a notice at least 15 days before coverage is to cease, advising the employee that the employee will be dropped if the premium payment is not paid by a certain date.
6. Employee contribution rates are subject to any change in rates that occurs while the employee is on leave.
7. If an employee fails to return to work after the employee's leave entitlement has been exhausted or expires, the City shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member which would entitle the employee to leave, or because of circumstances beyond the employee's control. The City shall have the right to recover premiums through deduction from any sums due the employee (e.g. unpaid wages, vacation pay, etc.).
8. While on unpaid leave, employees do not accrue vacation, sick or other paid leave time, and eligibility for regular (non-probationary) status may be extended. Employees will not be covered by any other benefits, including but not limited to insurance, long-term disability, retirement, and supplemental benefit plans. Employees may be eligible to continue coverage on their own or by direct payment made to the plans. An employee's coverage on a particular plan may be dropped if the employee is more than 30 days late in making a premium payment. However, the employee will receive a notice at least 15 days before coverage is to cease, advising the employee that the employee will be dropped if the premium payment is not paid by a certain date.
9. If an employee fails to return to work after his/her/their leave entitlement is exhausted or expires, the City shall have the right to recover premiums through deduction from any sums due the City (e.g. unpaid wages, vacation pay, etc.) in accordance with applicable law.

J. Substitution of Paid Accrued Leaves

While on leave under this policy, as set forth herein, an employee may elect to concurrently use paid accrued leaves. Similarly, the City may require an employee to concurrently use paid accrued leaves after requesting FMLA and/or CFRA leave, and may also require an employee to use family and medical care leave concurrently with a non-FMLA/CFRA leave which is FMLA/CFRA-qualifying.

K. Employee's Right To Use Paid Accrued Leaves Concurrently With Family Leave

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

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

Employees must exhaust their accrued leaves concurrently with FMLA/CFRA leave to the same extent that employees have the right to use their accrued leaves concurrently with FMLA/CFRA leave, with two exceptions:

1. Employees are required to use accrued compensatory time earned in lieu of overtime earned pursuant to the Fair Labor Standards Act; and
2. Employees will only be required to use sick leave concurrently with FMLA/CFRA leave if the leave is for the employee's own serious health condition.

M. The City of Goleta's Right To Require An Employee To Exhaust FMLA/CFRA Leave Concurrently With Other Leaves

If an employee takes a leave of absence for any reason which is FMLA/CFRA qualifying, the City may designate that non-FMLA/CFRA leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement.

N. The City of Goleta's and Employee's Rights If An Employee Requests Accrued Leave, Other than Accrued Sick Leave, Without Mentioning Either the FMLA or CFRA

If an employee requests to utilize accrued vacation leave or other accrued paid time off, other than sick leave, without reference to a FMLA/CFRA-qualifying purpose, the City may not ask the employee if the leave is for a FMLA/CFRA-qualifying purpose. However, if the City of Goleta denies the employee's request and the employee provides information that the requested time off is for a FMLA/CFRA-qualifying purpose, the City of Goleta may inquire further into the reason for the absence. If the reason is FMLA/CFRA-qualifying, the City may require the employee to exhaust accrued leave as described above.

O. Employee Notice of Leave

Although the City recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much notice as possible of their need for leave. Except for qualifying exigency leave, if leave is foreseeable, at least 30 days' notice is required. In addition, if an employee knows that he/she will need leave in the future, but does not know the exact date(s) (e.g. for the birth of a child or to take care of a newborn), the employee shall inform his/her supervisor as soon as possible that such leave will be needed. Such notice may be orally given. If the City determines that an employee's notice is inadequate or the employee knew about the requested leave in advance of the request, the City may delay the granting of the leave until it can, in its discretion, adequately cover the position with a substitute.

For foreseeable leave due to a qualifying exigency, an employee must provide notice of the need for leave as soon as practicable, regardless of how far in advance such leave is foreseeable.

P. Medical Certification

Employees who request leave for their own serious health condition or to care for a child, parent or a spouse who has a serious health condition must provide written certification from the health care provider of the individual requiring care if requested by the City.

If the leave is requested because of the employee's own serious health condition, the certification must include a statement that the employee is unable to work at all or is unable to perform the essential functions of the employee's position.

Employees who request leave to care for a covered service member who is a child, spouse, parent, or "next of kin" of the employee must provide written certification from a health care provider regarding the injured service member's serious injury or illness.

The first time an employee requests leave because of a qualifying exigency, an employer may require the employee to provide a copy of the covered military member's active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the covered military member's active duty service. A copy of new active duty orders or similar documentation shall be provided to the employer if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different covered military member.

1. Time to Provide a Certification

When an employee's leave is foreseeable and at least 30 days' notice has been provided, if a medical certification is requested, the employee must provide it before the leave begins. When this is not possible, the employee must provide the requested certification to the City within the time frame requested by the City (which must allow at least 15 calendar days after the employer's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

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

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

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

3. Second and Third Medical Opinions

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

Q. Intermittent Leave or Leave on a Reduced Leave Schedule

If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition ("serious health condition"), the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave

schedule.

R. Reinstatement upon Return from Leave

1. Right to Reinstatement

Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Employees have no greater rights to reinstatement, benefits and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period.

If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If the reinstatement date differs from the original agreement of the employee and City the employee will be reinstated within two business days, where feasible, after the employee notifies the employer of the employee's readiness to return.

2. Reinstatement of "Key Employees"

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

3. Fitness-for-Duty Certification

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

S. Employee's Obligation to Periodically Report on Employee's Condition

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

T. Required Forms

Employees must fill out the following applicable forms in connection with leave under this policy:

1. "Request for Family or Medical Leave Form" prepared by the City to be eligible for leave.
2. Medical certification—either for the employee's own serious health condition or for the serious health condition of a child, parent, spouse or domestic partner.
3. Authorization for payroll deductions for benefit plan coverage continuation; and
4. Fitness-for-duty to return from leave form (if applicable).

NOTE: EMPLOYEES WILL RECEIVE A CITY RESPONSE TO THEIR REQUEST WHICH WILL SET FORTH CERTAIN CONDITIONS OF THE LEAVE;

SEC. 9.18 PREGNANCY DISABILITY LEAVE

- A. Eligibility An employee who is disabled because of pregnancy, childbirth, or a related medical condition is entitled to an unpaid pregnancy disability leave pursuant to State law.

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.

- B. Reasons for Leave. PDL is for any period(s) of actual disability caused by pregnancy, childbirth or related medical conditions. 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.

- C. Amount of Leave. Employees may take up to four months (or 88 workdays for a full-time employee) when affected by pregnancy or a related medical condition and 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.

D. Notice & Certification Requirements

Requests for pregnancy disability leave must be submitted in writing and must be approved by the employee's supervisor or Personnel Officer before the leave begins. The request must be supported by a written certification from the attending physician stating that the employee is disabled from working by pregnancy, childbirth or a related medical condition. The certification must state the expected duration of the disability and the expected date of return to work.

All leaves must be confirmed in writing, have an agreed-upon specific date of return, and be

submitted to the department director prior to being taken. Requests for an extension of leave must be submitted in writing to the supervisor or department director prior to the agreed date of return and must be supported by a written certification of the attending physician that the employee continues to be disabled by pregnancy, childbirth, or a related medical condition.

E. Compensation During Leave

Pregnancy disability leaves are without pay. However, the employee must first use accrued sick leave, vacation leave, and then any other accrued paid time off during the leave.

F. Benefits During Leave

The City will continue to maintain and pay for health insurance coverage for up to four months while the employee is out on pregnancy disability leave. If the employee does not return to work following pregnancy disability leave, the City may recover premiums it paid to maintain health insurance coverage during the leave unless:

1. The employee is taking leave under the California Family Rights Act and the employee chooses not to return to work following the CFRA leave;
2. The employee's inability to return to work is due to the continuation, recurrence, or onset of a health condition that entitles the employee to pregnancy disability leave;
3. The employee has non-pregnancy related medical conditions requiring further leave; or
4. There are other circumstance beyond the control of the employee, including, but not limited to, circumstances where the employer is responsible for the employee's failure to return to work (e.g. the employer does not return the employee to her same position or reinstate the employee to a comparable position), or circumstances where the employee must care for a family member (e.g., the employee gives birth to a child with a serious health condition).
5. Sick and Vacation Leave Accrual: Sick leave and vacation leave do not accrue while an employee is on unpaid pregnancy disability leave.

G. Reinstatement Upon Return From Leave

1. Upon the expiration of pregnancy leave and the City's receipt of a written statement from the health care provider that the employee is fit to return to duty, the employee will be reinstated to her original or an equivalent position, so long as it was not eliminated for a legitimate business reason during the leave.
2. If the employee's original position is no longer available, the employee will be assigned

to an open position that is substantially similar in job content, status, pay, promotional opportunities, and geographic location as the employee's original position.

3. If upon return from leave an employee is unable to perform the essential functions of her job because of a physical or mental disability, the City will initiate an interactive process with the employee in order to identify a potential reasonable accommodation.

4. An employee who fails to return to work after the termination of her leave loses her reinstatement rights.

5. For employees returning to work, the City complies with all state and federal laws governing break times for lactation or expressing milk, including but not limited to California Labor Code Section 1030 et seq, as reflected in the Lactation Breaks provision under these Personnel Rules.

H. Parental Leave

After the employee's PDL ends, the employee may be eligible for CFRA leave, in accordance with the Family and Medical Leave policy, to care for a newborn. The City may require that the employee provide a medical certification indicating when the pregnancy disability ended. In addition, an employee not otherwise eligible for CFRA leave may request Leave Without Pay to care for the newborn, as provided under the Leave Without Pay provisions of these Personnel Rules. Such requests may be granted within the discretion of the City Manager/Human Resources Administrator in consultation with the Department Head.

SEC. 9.19 ABSENCES AND LEAVES OF ABSENCE GENERALLY

A. Lateness and Absenteeism Policy

1. Unscheduled lateness that becomes a pattern or is excessive will be subject to disciplinary action which could include suspension and discharge.

2. Employees are required to report unscheduled absence to their supervisor prior to the time for beginning the regular work day, or as soon thereafter as practical.

3. In the case of an emergency an employee is expected to report in (or have someone else do it) as soon as possible.

4. Employees may be required to bring a note from their doctor after three (3) consecutive days of absence.

5. Employees suspected of abusing sick leave usage may be required to bring a doctor's note with each day of absence.

6. Excess absenteeism may be subject to disciplinary action which could include disciplinary action.

B. Unauthorized Absence – Discipline and Termination

Any unauthorized absence may be cause for disciplinary action as provided in these Rules.

Any employee absent from the job for more than two (2) working days without prior permission of the department director may be considered to have voluntarily resigned from employment with the City. In such case, the employee will be separated from employment, with all normally afforded due process rights. Probationary employees will be immediately terminated upon such voluntary resignation.

C. Authorized Absence

1. Upon the request of the employee and the recommendation of the appointing authority, a leave of absence without pay may be granted by the Council or City Manager to an employee, who immediately preceding the effective date of such leave, shall have completed at least one year of continuous service.

2. An employee shall not be entitled to a leave of absence as a matter of right, but only upon good and sufficient reason.

3. Upon official closures of City facilities, the City Manager is authorized to grant a leave of absence without pay, notwithstanding any other provision to the contrary contained within the City's Personnel Rules.

C. Authorized Leave of Absence Without Pay – Duration

1. A request for leave of absence without pay shall be made as prescribed by the Personnel Officer, and shall state specifically the reason for the request, the date when it is desired to begin the leave, and the probable date of return. The Personnel Officer will transmit the request to the Council, in the case of leaves of more than 120 days. A request for a leave of 120 days or less may be approved by the City Manager, upon recommendation of the appointing authority.

2. A leave of absence without pay may be granted by the City Council for a period not to exceed one (1) year.

D. Leave of Absence – Injury or Illness

The City Manager may grant a leave of absence without pay of up to 120 days to any employee who has a serious illness even though the employee does not meet the one (1) year of continuous service requirements as specified in the FMLA policy contained in these Rules.

E. Accrual of Benefits

Leave of absence without pay granted by the Council shall not be construed as a break in service or employment, and rights accrued at the time of leave is granted shall be retained by the employee; however, vacation credits, sick leave credits, increases in salary and other similar benefits shall not accrue during the period of absence. An employee reinstated after leave of absence without pay shall receive the same step in the salary range the employee received when he began the leave of absence. Time spent on such leave without pay shall not count toward service for increases within the salary range, and the employee's salary anniversary date shall be set forward one month for each 30 consecutive days taken.

SEC. 9.20 FAILURE TO RETURN FROM LEAVE

If an employee takes any action during the employee's leave that is inconsistent with an intention to return to employment with the City, such as accepting full-time employment with another employer, the employee will be considered to have voluntarily terminated City employment. Failure of the employee to return to employment upon the termination of any authorized leave of absence shall constitute an automatic termination from City service of that employee, unless such leave is extended.

SEC. 9.21 MANAGEMENT LEAVE

Employees exempt from overtime shall receive 80 hours of paid Management Leave per fiscal year. During their first year of employment, such employees shall obtain a pro rata amount of Management Leave commensurate with the time remaining in the fiscal year. Management Leave cannot be carried forward from year to year. Employees will not be compensated for any unused Management Leave at the time of separation from employment.

SEC. 9.22 SICK LEAVE DONATION

The purpose of Sick Leave Donation is to establish a voluntary program and procedures for employees to donate a portion of their accumulated sick leave time to fellow employees who are experiencing a serious health condition, or who are caring for an immediate family member with a serious medical condition, and who have exhausted all of their available leave balances. A serious health condition is defined as an injury or illness which is expected to prevent an employee's return to work for a minimum of 10 consecutive working days, due to their own convalescence or that of an immediate family member for whom the employee is caring. An

immediate family member is defined as the child, spouse or domestic partner, or parent of the employee. The Sick Leave Donation Policy allows an employee on extended medical leave to request that a Sick Leave Donation Bank be established on the employee's behalf. A Sick Leave Donation Bank shall not be established unless the City Manager or the City Manager's designee has approved the employee's request. Leave donations will be credited to the employee's Sick Leave Donation Bank and will be used by the designated recipient only.

A. Eligibility: To be eligible to receive donated sick leave, employees must:

1. Be eligible for accrual of sick leave in accordance with the City of Goleta Personnel Rules; and,
2. Have worked 625 hours during the previous 6-month period; and,
3. Submit a confidential statement from an attending physician which indicates that the employee's absence from work is due to the employee's own serious health condition, or which certifies the serious health condition of an immediate family member, as defined by the federal Family and Medical Leave Act. This statement must also estimate the duration of the employee's absence from work or the estimated duration of the serious health condition of an immediate family member; and,
4. Have exhausted all earned leave balances (including Management Leave, Vacation Leave, Compensatory Time, Floating Holidays, Holiday-In-Lieu time and Sick Leave).

B. Donation Procedures: Leave donations will be credited to the recipient's Sick Leave Donation Bank on an hour-for-hour basis and are subject to the following requirements:

1. The requesting employee must prepare and submit to the Personnel Officer a "Request to Establish a Sick Leave Donation Bank" form. A certification from an attending physician must accompany this form and must verify that the employee, or an immediate family member for whom the employee is caring, is experiencing a serious medical condition which will prevent the employee's return to work for a specified period of time. If the requesting employee is unable to make the request on their own behalf, the employee's department director may submit a request on the employee's behalf.
2. The City Manager or the City Manager's designee will approve or deny the establishment of a requested Sick Leave Donation Bank. If the request is approved, the bank shall be established by the Personnel Officer who will publicize the request. The Personnel Officer will also approve or deny offered donations in accordance with the requirements of this policy, and will determine when the leave bank will be abolished.
3. Employees wishing to donate a portion of their own sick leave bank will submit a "Request to Donate Sick Leave" form to the Personnel Officer. Leave donations are subject

to the following requirements:

- a. Leave Donations must be in whole hours. No fractions of hours may be donated.
- b. Employees may donate a minimum of four (4) hours from their accumulated sick leave balance.
- c. No employee may donate more than 40 hours to a particular Sick Leave Donation Bank.
- d. No donation will be permitted which will result in the donor's accumulated sick leave balance, immediately after donation, to fall below 80 hours of accrued time.
- e. Sick leave donations may affect the donor's ability to convert sick leave to vacation.

4. Donated sick leave must be used in accordance with the City of Goleta Personnel Rules. While utilizing donated leave, the recipient will be treated as though the employee is using the employee's own sick leave. The recipient will continue to accrue vacation and sick leave as usual during their use of hours from the Sick Leave Donation Bank.

5. No more than 480 hours of sick leave may be donated in total by City employees to a particular Sick Leave Donation Bank.

6. The Human Resources Division will make appropriate payroll and leave balance adjustments for both the recipient and any donors. Usage of hours from the Sick Leave Donation Bank will be coordinated with other benefits, if applicable.

C. The donated hours used by the recipient are taxable to him/her in accordance with Internal Revenue Service regulations and are subject to withholdings as required by law.

SEC. 9.23 TRANSITIONAL (TEMPORARY) RETURN TO WORK PROGRAM

A. Purpose

The purpose of the Transitional Return to Work (TRTW) Program is to return all injured employees, who are temporarily precluded from performing their normal duties, to work in a TRTW assignment.

B. Responsibility

The Personnel Officer or the Personnel Officer's designee will act as the TRTW coordinator. This individual will function as the liaison with the workers' compensation claims administrator if the claim is industrial.

C. Procedures

1. Identifying TRTW Assignments:

Periodically, the TRTW coordinator will request that all divisions complete the "TRTW Assignment" form available from the Personnel Officer. This form assists the TRTW coordinator in identifying beforehand possible TRTW assignments.

2. Employee placed on TRTW by a treating physician:

a. If the employee has work restrictions, the work restrictions will be listed on the paperwork completed by the treating physician.

b. If the employee's division is able to accommodate the restrictions, the employee's supervisor will notify the TRTW coordinator, and the coordinator will send a TRTW agreement letter to the employee.

c. The TRTW Assignment shall not include a reduction in the rate of pay for the employee.

d. The employee's supervisor will ensure that the employee is complying with and working within the work restrictions imposed by the treating physician.

e. The City of Goleta has established a maximum time frame of 90 days for employee participation in a TRTW program.

f. The City Manager or his / her designee can approve a one-time extension of that time frame where circumstances warrant.

3. Employee's division unable to accommodate the restrictions:

a. If the employee's division is unable to accommodate the restrictions, the division will notify the TRTW coordinator immediately.

b. The TRTW coordinator will:

i. Check file for previously submitted TRTW assignment forms.

ii. Contact divisions for possible TRTW assignments based upon the employee's restrictions.

iii. Instruct the employee where to report if an assignment in another department is located. (May be delegated to the employee's division).

4. Unavailable transitional assignments:

- a. If no transitional assignment is available, the employee will not return to work.
- b. Employees off work are to contact the TRTW coordinator on a weekly basis for the availability of TRTW assignments.
- c. Failure to contact the TRTW coordinator may result in disciplinary action.

5. Intermittent Assignment

- a. If an employee completes a temporary assignment and there is no additional transitional work available, the employee will be put off work.
- b. If the injury is industrial, the TRTW coordinator must immediately notify the workers' compensation claims administrator that the employee is not working.

6. Time Tracking Procedures:

- a. The time record code "TRTW" shall be used to track employees on transitional return to work assignments.
- b. The employee's regular program and account number are used.
- c. The code "TRTW" is placed in the Activity box in Time Entry, along with a description of the duties performed in the Narrative box.

SEC 9.24 VACATION & SICK LEAVE ADVANCED CREDIT UPON HIRE

The following provision applies to the appointment to unrepresented positions as well as to positions within the General and Miscellaneous Bargaining Units:

A. An employee who is appointed from outside City of Goleta government service within one (1) year of leaving employment with either the City of Goleta or another city, county, state agency, federal agency or special district and who, in the opinion of the Personnel Officer, possesses government experience directly related to the position to which the employee has been appointed, may be offered credit for years of prior service with the City of Goleta and/or the employee's immediate previous government employer in the following ways:

- 1. Vacation Accrual: At the discretion of the Personnel Officer, the employee may be offered credit for up to the total number of prior full years of service at the City of Goleta

and/or the employee's immediate previous government employer toward the initial vacation accrual rate. The employee will not be eligible to progress to a higher accrual rate until employee has the normal required minimum amount of City of Goleta service for that accrual rate.

2. Sick bank: At the discretion of the Personnel Officer, the employee may be credited with up to 96 hours of sick leave. Thereafter, the employee will accrue sick leave at the normal rate.

3. Under no circumstance will prior accrued vacation balances cashed out to a former City of Goleta employee upon termination be reinstated.

RULE X -LAYOFF/SEPARATION/RETIREMENT

SEC. 10.1 ELIMINATION OF POSITIONS

The public interest may require elimination or curtailment of a public service activity which may therefore require the layoff of one or more employees.

SEC. 10.2 LAYOFF PROCEDURE

A. Definition: Termination of employment or separation from a position because of lack of funds or lack of work.

B. Process & Notice: Workers subject to a reduction in force shall be given at least forty-five (45) working days' notice prior to the effective date of the layoff. Employees subject to layoff shall be given reasonable administrative leave as may be required to seek employment.

Permanent full-time employees and permanent part-time employees shall be considered separately when the order of layoff reaches C. and D. below. Nothing herein is intended to require a preference for or against either full-time or part-time permanent employees in the order of layoff.

Seniority shall be used to determine the order of layoff pursuant to the following procedures:

The order of layoff shall be as follows:

- i. First: Temporary workers in inverse order of seniority (least first);
- ii. Second: Initial Probationary employees in inverse order of seniority;
- iii. Third: Permanent employees in inverse order of seniority.

“Seniority” for the purposes of this Article shall be defined as the length of service as a permanent full-time employee with the City. When determining seniority for permanent full-time positions within a classification subject to layoff, only permanent full-time service shall be considered.

C. Displacement: Permanent full-time employees subject to layoff shall have the right to displace an employee in the same classification in any Department of the City or in a different class within the City with the same or lower salary range provided, however, that:

1. The employee subject to layoff has greater seniority than the employee being displaced and was rated at a minimum of Satisfactory or the equivalent in the last two annual evaluations.
2. If the displacement is to a different class, it must be a class in the same occupational series as determined by the City with the concurrence of the Union OR, to a class previously held by the employee as a permanent full-time employee of the City.

D. Re-hire Lists: Laid off employee names are to be placed on a re-hire list. If a position in the laid-off employee’s classification, or a similar position in a classification for which the City determines the former employee is suited, becomes available within twenty-four (24) months of layoff, such former employee(s) shall be offered the position in the inverse order of layoff. If a job in a lower paid classification becomes available within twenty-four (24) months, the City shall review the previously laid-off employees’ qualifications. If such laid-off former employees are qualified in the judgment of the City, the laid off former employee may fill the slot(s) in the lower paid classification until that person’s former position becomes available, if ever. Employees hired off a re-hire list shall retain seniority, minus the number of months on actual layoff.

SEC. 10.3 RESIGNATIONS

To resign in good standing, an employee must inform their Department Head in writing at least two weeks in advance of the effective date of the resignation, unless the time limit is waived by the City Manager. Resignation will be deemed accepted upon submission as final and is not revocable except as approved by the City Manager. The resignation date will be the last day the employee actually worked.

SEC. 10.4 TERMINATIONS

The Appointing Authority may terminate:

- A. Employees at any time while they are on probation.
- B. At-will employees at any time. This authority applies only to non-classified employees.

C. Regular employees for disciplinary purposes in accordance with Rule XII.

The City Attorney may terminate employees in the City Attorney Office upon the same conditions.

SEC. 10.5 RETIREMENT/DISABILITY RETIREMENT

In accordance with the City's contract with the California Public Employees' Retirement System (CalPERS), employees who meet the age and service credit minimums may qualify for a service retirement from CalPERS. Under CalPERS laws, an employee who is unable to perform the employee's job because of an illness or injury which is expected to be permanent or last indefinitely, may be entitled to receive a disability retirement. The cause of the disability need not be related to the employee's job.

RULE XI -PUBLIC EMPLOYMENT RESPONSIBILITIES

SEC. 11.1 OUTSIDE EMPLOYMENT

A. During the employees' work day, they are expected to devote full attention to their prescribed duties. City employees may engage in outside employment outside of normal business hours under all of the following circumstances:

1. They notify their supervisor.
2. The outside employment does not conflict with or is not incompatible or inconsistent with their City responsibilities.
3. The outside employment does not lessen their effectiveness as a City employee.
4. The outside employment does not created a conflict of interest.

B. Determination of Inconsistent Activities

In making a determination as to the compatibility and consistency of outside activities, the City shall consider, among other pertinent factors, whether the activity:

1. Involved receipt or acceptance by the employee of any money or other consideration from anyone other than the City for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of the employee's City employment as part of the employee's duties; or
2. Involved the performance of an act or work which may later be directly or indirectly subject to the control, inspection, review, audit, or reinforcement by such employees or the

employee's department; or

3. Involves the use for private gain or advantage of City time, facilities, equipment and/or supplies, prestige, influence, or information of one's City office or employment; or

4. Involves 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 employee's official capacity at the time of the transaction, or makes demands on an employee's time, energy, morale, etc., so that the employee is not able to effectively perform the duties and responsibilities of the employee's job; or

5. Involves conditions or facts which would probably, directly or indirectly, lessen the efficiency of the employee in the employee's regular City employment or conditions in which there is a substantial danger of injury or illness to the employee.

SEC. 11.2 POLITICAL ACTIVITIES

A. For the purpose of these Personnel Rules, political activities are defined as activity directed toward the success or failure of a political party, candidate for office, a political group, or an initiative or ballot measure. The City prohibits:

1. Employees and officers from engaging in political activities during work hours;
2. Political activities in City buildings or on premises adjacent to City buildings;
3. Using City-owned resources, equipment or materials for political activities; and,
4. An employee or officer from using the employee's position to coerce or intimidate anyone to promote, propose, oppose, or contribute to any political cause or candidate.

B. Examples of prohibited conduct by employees or officers includes:

1. Participating in political activities of any kind while in uniform;
2. Participating in political activities during working hours;
3. Participating in political activities on City worksites;
4. Placing or distributing political communications on City property;
5. Using equipment to make political communications;
6. Soliciting a political contribution from an officer or employee of the City, or from a

person on a City employment list, with knowledge that the person from whom the contribution is solicited is a City officer or employee;

7. Favoring or discriminating against any employee because of political opinions or affiliations;

8. Interfering with any election; or

9. Attempting to trade job benefits for votes.

C. Examples of permitted conduct by employees of officers include:

1. Expressing opinions on all political subjects or candidates;

2. Becoming a candidate for any local, state, or national election;

3. Contributing to political campaigns;

4. Joining and participating in the activities of political organizations;

5. Requesting, during off-duty time, political contributions, through the mail or other means, from City officers or employees if the solicitation is part of a solicitation made to a significant segment of the public which may include City officers or employees;

6. Soliciting or receiving, during off-duty time, political contributions from a City employee organization if the funds, when collected, were not earmarked for a clearly identifiable candidate for a federal, state or local office; or

7. Soliciting or receiving, during off-duty time, political funds or contributions to promote the passage or defeat of a ballot measure which would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of City officers or employees.

SEC. 11.3 CODE OF ETHICS, OATH OF OFFICE, DISASTER SERVICES WORKERS

A. Every City employee is required to comply with the City's Code of Ethics, codified under Goleta Municipal Code Chapter 2.07 and incorporated herein by reference, which sets minimum ethical standards to be followed by all officials and employees including but not limited to the sections concerning: Responsibilities of Public Office; Dedicated Service; Fair and Equal Treatment; Use of Public Property; Obligations to Citizens; Conflict of Interest; and Compliance with State Law.

B. In compliance with the State Constitution Art. XX, Sec. 3, all City employees shall, before they enter upon the duties of their respective offices, take and subscribe the oath of office contained therein. This oath includes, but is not limited to, a vow to bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California, and to defend them against all enemies, foreign and domestic.

C. Pursuant to Section 3101 of the California Government Code, all City employees are designated as Disaster Service Workers ("DSWs"). In a disaster, City employees are required to report as directed and may be required to serve as DSWs in support of response and recovery efforts. All employees must provide the City with a home telephone number or other way that they can be contacted in the event of a disaster during off duty hours. As DSWs, employees specifically do not have the right to refuse to report to work during emergency conditions as otherwise provided under Section 1131(B) of the Labor Code. However, an employee may not be prevented from accessing the employee's mobile device or other communications device for seeking emergency assistance, assessing the safety of the situation, or communicating with a person to confirm their safety.

When serving as DSWs, employees may be required to: (i) work in an assignment that requires them to serve at locations, days, times, or in conditions other than their normal work assignment, schedule, and/or conditions; (ii) work in an assignment outside the general scope of their typical duties and responsibilities; and/or (iii) work for a supervisor, division, or department different from their normal work assignment. Employees will never be asked to perform any duty or function they are physically unable to do. An employee will not be asked to perform duties that the employee do not know how to do or has not received adequate training for.

RULE XII -DISCIPLINARY ACTIONS

SEC. 12.1 CAUSES

- A. Disciplinary measures may be taken for any good and sufficient cause. The extent of the disciplinary action taken shall be commensurate with the offense provided that the prior employment history of the employee may also be considered pertinent.
- B. Cause may include:
- Violation of the Personnel Rules or any rules and/or regulation of the employee's department,
 - Any act of insubordination,
 - Any act detrimental to the public service,
 - Refusal or inability to comply with the duties of the position occupied by the employee, or
 - Any other type of misfeasance, malfeasance or nonfeasance relating to his/her

duties, office or position.

C. Reduction in Pay

Reductions in pay which are part of a general plan to reduce salaries and wages as an economy measure are not disciplinary measures.

SEC. 12.2 AUTHORITY FOR DISCIPLINARY ACTIONS

A. The department directors, City Manager, and Assistant City Manager, shall have authority to take disciplinary action and they may delegate to certain of their subordinate supervisory employees the authority to propose disciplinary action, subject to the due process procedures contained herein. Only the City Attorney may discipline employees in the City Attorney's Office.

B. The Personnel Officer shall be notified of any contemplated disciplinary action prior to the time it is taken, provided that in emergency situations or other instances when prior notification is not practicable, the Personnel Officer may be notified as soon as possible subsequent to the time the action is taken.

C. The department director will be the *Skelly* Officer under this Section, unless the department director proposed the disciplinary action, in which case the Assistant City Manager, will be the *Skelly* Officer. In the event that the Assistant City Manager or City Manager proposes the discipline of an employee directly, the City Manager will be the *Skelly* Officer.

SEC. 12.3 KINDS OF ACTION

There are two types of disciplinary actions.

A. Category One- Lesser Disciplinary Action

Category One is made up of lesser disciplinary actions which do not result in financial detriment and are not stigmatizing. These actions do not require prior notice or due process procedures. The employee shall have no formal right of response or appeal to these actions.

1. Oral Reprimand – Oral reprimand as a disciplinary action means the employee is informed of the employee's poor performance verbally by the employee's supervisor.

2. Written Reprimand – Written reprimand as a disciplinary action means an official notification to the employee that there is cause for dissatisfaction with the employee's services and that further disciplinary measures may be taken if such cause is not corrected. Official reprimand shall be given in the manner and on forms prescribed by the Personnel Officer. Reprimand notices shall be made a part of the employee's official personnel record and may be considered as pertinent evidence or information in any

appeal hearing.

B. Category Two- Serious Disciplinary Actions

Category Two includes serious disciplinary actions. These actions require the due process procedures contained in this Rule. Serious disciplinary actions include the following:

1. Suspension without pay. Suspension without pay shall be a temporary separation from City service.
2. Reduction in pay. Reduction in pay shall constitute prospectively moving an employee's rate of pay to a lower step within their current salary range. The maximum reduction in pay that may be given for any one disciplinary action shall be two (2) steps within the range for that classification. Reduction in pay shall become effective on the first day of the pay period following the effective date of the disciplinary action. The reduction in pay shall be equivalent to a five (5) or more working day suspension without pay, and shall only be imposed on exempt employees for one or more full workweeks.
3. Demotion without consent as disciplinary action, shall be a reduction in classification or rank, with a corresponding reduction in salary.
4. Dismissal means the discharge of an employee from the City service.

SEC. 12.4 DUE PROCESS

A. Written Notice of Intent & Right to Respond (*Skelly* Process)

1. In instances of Category 2 disciplinary actions (i.e., suspension, reduction in pay, demotion, or dismissal), written notice of the proposed disciplinary actions (Notice of Intent) shall be submitted to regular employees by the supervisor proposing the disciplinary action at least five (5) working days prior to the effective date of the proposed action. In emergency situations when prior notification is not practicable, an employee may be suspended with pay until such notice is given and until the proposed action becomes effective.
2. The written notice shall include the following:
 - a. A statement of the proposed disciplinary action, the reason(s) for such action, and the effective date and specific reasons for the proposed disciplinary action.
 - b. Copies of all written material supporting the proposed action.
 - c. An explanation of the employee's right to respond, either orally or in writing, to the *Skelly* Officer identified by name, as appropriate, before the disciplinary action is imposed.

d. A statement of the employee's right to have a representative of their choice at the *Skelly* hearing.

e. A statement that the employee is not required to respond, but that an employee's failure to respond by the time specified constitutes a waiver of the right to respond prior to final discipline being imposed.

f. A space for the employee's signature to acknowledge receipt of the Notice of Intent provided, however, that if the employee refuses to sign, that refusal will be noted on the Notice of Intent

3. After completion of the above step, if the employee does not exercise the right to respond orally (via a *Skelly* hearing) or in writing to the charges within the time specified, then the proposed action will be considered conclusive and will take effect as set forth in the Notice of Intent.

If the employee requests to respond orally, the *Skelly* Officer will conduct an informal meeting with the employee (*Skelly* hearing). During the informal meeting, the employee will have the opportunity to rebut the charges and present any mitigating circumstances. The employee's failure to attend the requested hearing is a waiver of the right to respond, and the intended disciplinary action will be imposed on the date specified in the Notice of Intent. A written response made after the initial response due date may not substitute for the employee's attendance at the requested *Skelly* hearing.

4. The *Skelly* Officer will consider the employee's oral or written response before issuing the disciplinary action.

If, after considering the employee's oral or written response, the *Skelly* Officer determines that the employee's response warrants further investigation, the *Skelly* Officer may delay the implementation or modification of the imposed disciplinary action until such time as the further investigation is completed. In the event the investigation produces facts that warrant more severe disciplinary action than originally imposed, the *Skelly* Officer will re-implement the Notice of Intent procedures contained in this Rule.

After the employee has exercised the right to respond to the charges, and any additional investigation has been conducted, the *Skelly* Officer has the authority to: (1) impose the disciplinary action; (b) modify (reduce or re-notice) the proposed disciplinary action; or (3) take no disciplinary action. The *Skelly* Officer shall notify the employee in writing of the final decision on the disciplinary action.

C. Right of Appeal to City Manager

Any regular employee who has received a final decision of serious disciplinary action (Category

2 actions) shall be entitled to request an appeal hearing before the City Manager. The City Manager may choose to conduct the hearing himself/herself and make the final decision; refer the hearing to a hearing officer to conduct the hearing and provide findings and recommendations before the City Manager makes the final decision; or refer the hearing to a hearing officer to conduct the hearing and make the final decision on the appeal.

D. City Manager Appeal Procedure

1. Within five (5) working days of the receipt of the final decision to discipline, or within five (5) working days of the effective date of a serious disciplinary action, the disciplined employee may answer or protest the disciplinary action. Such answer shall be filed with the Personnel Officer.
2. The Personnel Officer shall then transmit to the City Manager, within ten (10) working days, such employee's request together with copies of all the above-mentioned documents pertinent to the case and such other documents and information as may be requested by the City Manager.
3. In the course of hearing, the City Manager shall cause the employee to appear before him/her. Such employee may be represented by a representative of the employee's choice. The hearing may be conducted by an informal process to facilitate garnering of information and to expedite the process. The City and the employee may produce relevant evidence or witnesses at this hearing.

Within ten (10) days of the conclusion of the City Manger's hearing, the City Manager shall certify the findings. The decision of the City Manager is final, though administrative actions are subject to judicial review pursuant to Code of Civil Procedure sections 1094.5 and 1094.6.

4. Communication to the appellant shall be by personal signed receipt of document, certified mail or registered mail.

RULE XIII -GRIEVANCE AND COMPLAINT PROCEDURE

SEC. 13.1 ESTABLISHMENT

These procedures are established in order to provide adequate opportunities for City employees to bring forth their views relating to any unfair or improper aspect of their employment situation and to seek correction thereof.

SEC. 13.2 SCOPE OF LIMITATIONS

The procedures set forth in this Rule shall apply to all employee grievances except where other methods have been specifically prescribed in these Rules, such as in matters of disciplinary action, or where an MOU with a recognized employee organization has distinct negotiated complaint and/or grievance procedure that applies to the particular grievance.

SEC. 13.3 DEFINITIONS

A. Complaint: An allegation or charge that the complaining employee has suffered a wrong as a result of management action or inaction.

B. Complaint Procedure: The process by which a determination is made as to whether a wrong has been committed.

C. Grievance: An expressed claim by an employee that the City has violated, misinterpreted, or misapplied an obligation to the employee as such obligation is expressed and written in these Rules, and Administrative Policy or a resolution.

D. Grievance Procedure: The process by which the validity of a grievance is determined.

SEC. 13.4 COMPLAINT PROCEDURE

Step 1: The employee shall discuss any complaint with the employee's immediate supervisor. The supervisor is required to review every complaint and attempt to settle it as quickly and fairly as possible. If the employee has a complaint or grievance pertaining to their immediate supervisor, then the employee may discuss the complaint with the Personnel Officer.

Step 2: If the action taken by the employee's immediate supervisor is not satisfactory, the employee may take the complaint to successive levels of supervision as determined by the chart of administrative organization, up to and including the City Manager. The decision of the City Manager is final.

SEC. 13.5 GRIEVANCE PROCEDURE

Step 1: The employee shall inform, in writing, the employee's immediate supervisor of the grievance and relevant facts within seven (7) working days after the employee knew, or in the exercise of reasonable diligence should have known, of the events giving rise to the grievance. At least one conference shall be held between the employee and the employee's immediate supervisor after the employee has expressed the grievance. The supervisor shall advise the employee of the supervisor's decision within fourteen (14) working days following

notification of the grievance.

Step 2: If the grievance is not satisfactorily resolved in Step 1, the grievant may, within seven (7) working days after receipt of the supervisor's response, submit the grievance to the director of the employee's department. Such submission shall be by written memo and include the original of the grievance form. After receipt of the grievance, the department director will meet with the grievant and make such investigation as is required. Within seven (7) working days of the meeting with the grievant, the department director shall give the employee the written decision on the grievance.

Step 3: If the grievance is not satisfactorily resolved in Step 2, the grievant may, within seven (7) working days of receipt of the department director's decision, submit the grievance to the Personnel Officer for consideration by the City Manager. Such submission shall include the original of the grievance form, a written statement of any issues which are still in dispute, and the specific basis upon which the grievant disagrees with the position of the department director. The City Manager or the City Manager's designee shall take such review and investigative action as that person deems necessary and inform the grievant of his/her decision within fourteen (14) working days of receipt of the grievance.

Step 4: If the grievance is not satisfactorily resolved in Step 3, the grievant may, within seven (7) working days of receipt of the City Manager's decision, submit the grievance to the City Manager for consideration by the City Council. Such submission shall include the original of the grievance form, a written statement of any issues which are still in dispute, and the specific basis upon which the grievant disagrees with the position of the City Manager. The City Council or its designee shall take such review and investigative action as it deems necessary and inform the grievant of its decision within 30 working days of receipt of the grievance. The decision of the City Council or its designee is final.

SEC. 13.6 GENERAL PROVISIONS

- A. No retribution or prejudice shall be suffered by employees making use of the grievance or complaint procedures by reason of such use.
- B. All documents, communications and records dealing with the processing of grievances shall be filed separately from personnel files.
- C. Failure by management at any step of this procedure to communicate the decision of the grievance within the specified time limits shall permit the grievant to proceed to the next step.
- D. The grievant shall be entitled to be present at all steps of the procedure.
- E. Failure at any step of this procedure to appeal a decision on a grievance within specified time limits shall be deemed acceptance of the decision rendered.

F. The time limits specified at any step in this procedure may be extended by mutual written agreement.

G. The original of the grievance form shall accompany all requests for institution of the next step in the grievance procedure.

H. Communication with grievant shall be processed by personal signed receipt of document, certified mail or registered mail.

RULE XIV -EMPLOYEE BENEFITS

SEC. 14.1 HEALTH BENEFITS

The City provides a monthly Flexible Benefit Plan allowance for the payment of health, dental, and vision insurance premiums. The dollar amount of the allowance is determined annually by the City Council with the adoption of the City budget or pursuant the terms of a Memorandum of Understanding (MOU) with a recognized employee organization. A portion of this allowance, as determined by the City Council or by an applicable MOU, may be received in cash in lieu of insurance programs provided that the employee provides the City with satisfactory proof of participation in an alternative qualifying medical insurance plan.

Part-time regular employees who work at least 15 hours per week will receive a prorated health insurance allowance based on the percent of full-time upon which their regular schedule is based. Eligibility for participation in City employee benefit plans will be based on the terms of the provider contracts.

SEC. 14.2 RETIREMENT BENEFITS

The City participates in the California Public Employees' Retirement System (CalPERS) and does not participate in Social Security.

For employees enrolled in CalPERS or an equivalent program prior to January 1, 2013 ("classic members"), the City has contracted with the California Public Employees' Retirement System (CalPERS) for the two percent (2%) at age fifty-five (55) retirement plan, based on the single-highest year benefit level. As provided under state law, employees enrolling in CalPERS after January 1, 2013, ("new members" or "PEPRA members") receive the 2% at age sixty-two (62), average of 3 years final compensation benefit level. Annual employer and employee contribution costs are determined solely by CalPERS.

The City also has a deferred compensation plan which is open to all regular employees.

SEC. 14.3 SUPPLEMENTAL PAY FOR PARENTAL LEAVES

A. Supplemental Pregnancy Disability Pay (Pregnancy Pay)

1. Eligible employees will be entitled to Supplemental Pregnancy Disability Pay during the period in which the employee is disabled by pregnancy, childbirth or related medical conditions.
2. Supplemental Pregnancy Disability Pay shall be the difference between any benefit the employee receives through state SDI or other City-offered group disability insurance plan and 100% of the employee's base salary for a period not to exceed ten weeks. This will include pay during any waiting period before SDI benefits can be received.
3. For an employee who does not have access to state SDI or City-offered disability insurance benefits for the leave, the maximum amount of Supplemental Pregnancy Disability Pay that will be paid by the City is 40% of the employee's base pay for a period not to exceed 10 weeks. The employee will be required to make up the difference with the employee's leave banks, as required under the applicable leave of absence policy.
4. While receiving Supplemental Pregnancy Disability Pay, to the extent not already covered by other City leave policies, the City will also continue to pay that portion of the Flexible Benefit Plan allowance provided under these Personnel Rules up to the lesser of 1) the full allowance amount or 2) the employee's cost for family medical, dental and vision insurance premium elections on the first date of absence.
5. Employees are eligible for Supplemental Pregnancy Disability Pay if, prior to the first day of an approved leave, they:
 - a. Have been employed for at least one year and have successfully completed the applicable probationary period, and
 - b. Have actually worked at least 2080 cumulative hours for the City before the commencement of approved leave.
6. This benefit is supplemental to other available benefits. To be eligible to receive Supplemental Pregnancy Disability Pay, employees must apply for state SDI or other City-offered group disability insurance benefits to which they have access and remit documentation of such payment eligibility to the City. In no case may Supplemental Pregnancy Disability Pay be used to provide more than 100% income replacement.
7. Supplemental Pregnancy Disability Pay may be used continuously, intermittently or on a reduced schedule as medically necessary.

8. Unused Supplemental Pregnancy Disability Pay shall have no cash value and shall be forfeited following the end of the disability period.
9. Eligible employees must request Supplemental Pregnancy Disability Pay at least 30 days prior to the first day their pregnancy disability pay entitlement is to be utilized. Failure to make the request 30 days in advance may result in a delay in receiving the Supplemental Pregnancy Disability Pay.
10. This policy applies to employees on an approved leave of absence. It does not create an entitlement to protected leave. Leave entitlement and protections are established under Family Medical Leave Act (FMLA), the California Family Rights Act (CFRA), Pregnancy Disability Leave Law (PDL) and other City leave policies.

B. Supplemental Parental Bonding Pay (Parental Pay)

1. Eligible employees will be entitled to Parental Pay for:
 - a. The birth of a child who resides with the employee and for whom the employee has physical and legal custody, or
 - b. The adoption or foster placement of a child under the age of sixteen who resides with the employee and for whom the employee has physical and legal custody.
2. Supplemental Parental Bonding Pay shall be the difference between any benefit the employee receives through state PFL or other City-offered group insurance plan covering bonding leave and 100% of the employee's base salary for a period not to exceed six weeks. This will include pay during any waiting period before PFL benefits can be received.
3. For an employee who does not have access to state PFL or City-offered group insurance benefits for the leave, maximum amount of Supplemental Parental Bonding Pay that will be paid by the City is 40% of the employee's base pay. The employee will be required to make up the difference with the employee's leave banks, as required under the applicable leave of absence policy.
4. While receiving Supplemental Parental Bonding Pay, to the extent not already covered by other City leave policies, the City will also continue to pay that portion of the Flexible Benefit Plan allowance provided under these Personnel Rules up to the lesser of 1) the full allowance amount or 2) the employee's cost for family medical, dental and vision insurance premium elections on the first date of absence.
5. Employees are eligible for Supplemental Parental Bonding Pay if, prior to the first day of an approved leave, they:
 - a. Have been employed for at least one year and have successfully completed the applicable probationary period, and

- b. Have actually worked at least 2080 cumulative hours for the City before the commencement of the leave.
6. This benefit is supplemental to other available benefits. To be eligible to receive Parental Pay, employees must apply for State PFL or other City-offered group leave benefits covering parental bonding leave to which they have access and remit documentation of such payment eligibility to the City. In no case may Parental Pay be used to provide more than 100% income replacement.
7. The employee must apply for and begin use of Parental Pay within four (4) months of becoming eligible for the benefit. Parental Pay is not available prior to the birth, adoption, or placement of a child.
8. Parental Pay must be used within one (1) year of an employee becoming eligible for the benefit. Any Parental Pay not used in that one (1) year period shall be forfeited.
9. An eligible employee is entitled to Parental Pay only once for each birth, adoption, or foster placement regardless of the number of children involved (e.g., twins). Parental Pay for placement of a foster child is limited to once every 36 months.
10. Parental Pay must be used continuously. However, upon the request of the employee and subject to City operational needs, Human Resources may grant usage of Parental Pay on an intermittent or reduced schedule.
11. Eligible employees must request Parental Pay at least 30 days prior to the first day their Parental Pay is to be utilized. Failure to make the request 30 days in advance may result in a delay of receiving the benefit.
12. This policy applies to employees on an approved leave of absence. It does not create an entitlement to protected leave. Leave entitlement and protections are established under Family Medical Leave Act (FMLA), the California Family Rights Act (CFRA), Pregnancy Disability Leave Law (PDL) and other City leave policies.

SEC. 14.4 DEFERRED COMPENSATION

Effective the first pay period in January 2025, the CITY shall make a matching contribution to employee deferred contribution accounts up to \$25 per pay period (\$650 annually).

RULE XV -EDUCATIONAL ASSISTANCE

SEC. 15.1 EDUCATIONAL ASSISTANCE FOR TRAINING AND ADVANCEMENT

The responsibility for developing training programs for employees is with the City Manager

and department directors, jointly.

SEC. 15.2 LICENSES AND CERTIFICATION ASSISTANCE

The cost of licensing or certification fees, renewal fees, and test fees for all levels of professional certification or licensing are reimbursable for regular full-time employees, upon receipt of the certification or license. To obtain reimbursement after successful completion of the test/renewal/license process, the employee is responsible for submitting proof of payment for test fees, renewal fees, and license fees, along with proof of the certification or license, to the Finance Department. In unusual circumstances, the City Manager may authorize the payment of the test/renewal/license fees in advance.

SEC. 15.3 TUITION REIMBURSEMENT

To the extent funding is available, the City shall provide for tuition and textbook reimbursement for regular full-time employees up to a maximum of \$1500 per fiscal year for any degree or certificate program that is beneficial to the City and in accordance with administrative regulations governing this program as determined by the City. Only costs for textbooks required for approved courses shall be deemed reimbursable through this program. Tuition reimbursement for regular part-time employees shall be prorated based on their part-time percentage. For all requests after April __, 2024, employees must complete and submit a Tuition/Textbook Reimbursement Form (to be provided by Human Resources) to their Department Director for approval prior to expending fees for coursework or textbooks, which approval will not be unreasonably withheld. Once the Department Director approves the Form, it will be the responsibility of the employee to pay all fees for the course and textbooks. The employee will be reimbursed for tuition charges and books in an amount up to \$1500 per fiscal year once they have completed the course, as long as they have earned a grade of C or better (or a grade of "pass" for a pass/fail class) and have submitted a receipt and proof of payment (e.g., cancelled check or bank/credit card statement).

RULE XVI -ALCOHOL & DRUG POLICY

This policy applies to all employees of the City of Goleta and to all applicants for positions with the City of Goleta who are required to undergo pre-employment drug testing following an offer of employment. This policy applies to alcohol and drugs, including all controlled substances, drugs or medications, which could impair an employee's ability to effectively and safely perform the functions of the job. Employees and applicants should be aware that the use of marijuana is still prohibited under federal law; therefore, the use of prescription or recreational marijuana in California may still subject an employee to discipline under this policy or constitute grounds for not hiring an applicant. This Policy provides:

A. Application

The purpose of this policy is to address the potential for problems caused by alcohol and drug use in the workplace and to comply with the federal Drug-Free Workplace Act of 1988, which requires that all federal grant recipients establish and announce anti-drug policies for the workplace. All employees are subject to this policy and a violation of this policy may result in discipline, up to and including termination.

The City of Goleta reserves the right to search, without employee consent, all areas and property in which the City maintains control or joint control with the employee. Employees do not have a reasonable expectation of privacy in desks, lockers, or any other City property or facilities. The City of Goleta may notify the Sheriff's Department that an employee may have illegal drugs in the employee's possession or in an area not jointly or fully controlled by the City of Goleta.

An employee reasonably believed to be under the influence of alcohol or drugs shall be prevented from remaining on active duty and shall be detained for a reasonable time until the employee can be safely transported from the work site. An employee may also be subject to reasonable suspicion drug or alcohol testing as allowed by these Rules.

All management and supervisory employees will be trained to recognize the signs of abuse of drugs or alcohol.

B. Employee Responsibilities

1. An employee must not report to work or be subject to duty while the employee's ability to perform duties is impaired due to on or off duty alcohol or drug use.
2. An employee must not possess or use alcohol or controlled substances, including illegal drugs and prescription drugs without a prescription, during working hours or while representing the City of Goleta or while subject to duty, on breaks, during meal periods, or at any time while on City of Goleta property.
3. An employee must not directly or through a third party sell or provide drugs or alcohol to any person, including any employee, while either or both employees are on duty or subject to being called to duty.
4. An employee must submit immediately to an alcohol or drug test when requested by a City of Goleta official based on reasonable suspicion or as otherwise allowed by these Rules.
5. An employee must notify the employee's supervisor, before beginning work, when taking any medications or drugs, prescription or non-prescription, which may interfere

with the safe and effective performance of duties of the operation of City equipment or job performance.

6. An employee must 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 or test is positive. The prescription must be in the employee's name.
7. Employees who believe they have observed alcohol or drug use or drug paraphernalia during work hours or on City property or who have a reasonable suspicion that any other employee, including a department director or supervisor, is under the influence of alcohol or drugs, should immediately notify any one of the following, as may be appropriate:
 - a. The immediate supervisor;
 - b. Any department director or supervisor within or outside the department;
 - c. The Personnel Officer; or
 - d. The City Manager.

Any employee who notifies the City of suspected drug use by another employee or another employee being under the influence of alcohol or drugs shall not be subjected to any retaliation by the City.

8. Any City employee who is responsible for securing and/or administering a federal grant program, such as the Community Development Block Grant or HOME programs, must notify the City in writing no later than five calendar days of the employee's conviction for a violation of a criminal drug statute occurring in the workplace.

C. Reasonable Suspicion Testing, Search, Reporting

Department directors and supervisors are responsible for reasonable enforcement of this policy.

Department directors and supervisors may request that the Personnel Officer direct an employee to submit to an alcohol or drug test when a department director or supervisor has a reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol while on duty or subject to being called to duty. Employees shall be tested in a manner permitted by law only for psychoactive cannabis metabolites that indicate active impairment while on duty. Only the Personnel Officer (or Assistant City Manager or City Manager, if the Personnel Officer is unavailable) may order an employee to submit to a reasonable suspicion alcohol or drug test.

Department directors or supervisors requesting an employee to submit to an alcohol or drug test must document in writing the facts constituting reasonable suspicion that the employee in question is intoxicated or under the influence.

If the Personnel Officer encounters an employee who refuses an order to submit to an alcohol or drug analysis upon request, the Personnel Officer shall remind the employee of the requirements and disciplinary consequences of this Policy. Refusal is defined as, but is not limited to:

1. Failure to provide a urine sample for a drug test.
2. Inability to provide an immediate urine sample without a valid medical explanation.
3. Refusal to complete and sign a testing authorization form.
4. Inability to provide breath or to provide an adequate amount of breath without a valid medical explanation.
5. Tampering with or attempting to adulterate or substitute the urine specimen.
6. Not reporting to the collection site in the time allotted by the Personnel Officer.
7. Obstructing the collection procedure or testing process in any way.
8. Leaving the scene of an accident without authorization from a department director or supervisor.

Department directors or supervisors shall not physically search the person of the employee, nor shall they search the personal possessions of the employee, without the written consent of and in the presence of, the employee. The City has the right to search and inspect all City property, including but not limited to lockers, storage areas, furniture, City vehicles, and other places under the common control of the City, or joint control of the City, and employees. No employee has any expectation of privacy in any City building, property, or communications system.

Department directors or supervisors shall notify the Personnel Officer when they have reasonable suspicion to believe that an employee may have illegal drugs in the employee's possession or in an area not jointly or fully controlled by the City. If the Personnel Officer concurs that there is reasonable suspicion of illegal drug possession, the department director may notify the Sheriff's Department.

Department directors or supervisors must report the conviction of any City employee who is

responsible for securing and/or administering a federal grant program, such as the Community Development Block Grant or HOME programs, of a violation of a criminal drug statute occurring in the workplace within 10 calendar days of receiving written or actual notice. Employers of convicted employees must provide notice, position title and identification of each affected grant employee to the grant officer or other designee on whose grant activity the convicted employee was working. A federal agency may have a designated central point for the receipt of such notices.

D. Reasonable Suspicion Definition

Reasonable suspicion is a belief based on objective facts sufficient to lead a reasonably prudent department director or supervisor to suspect that an employee is under the influence of drugs or alcohol, such that the employee's ability to perform the duties of the job is impaired or that the employee's ability to perform the employee's job safely is reduced.

Any of the following alone or in combination may constitute reasonable suspicion depending upon the circumstances in which the behavior is observed or reported:

1. Slurred speech;
2. Alcohol odor on breath;
3. Glassy or bloodshot eyes;
4. Unsteady walking and movement;
5. An accident or near accident involving City property or employee;
6. Physical altercation;
7. Verbal altercation;
8. Unusual behavior;
9. Possession of alcohol or drugs or drug paraphernalia;
10. Abnormal or erratic behavior;
11. Sleeping or nodding off on the job; or
12. Information obtained from a reliable person with personal knowledge.

E. Alcohol and Drug Testing Substances

The alcohol and drug test may test for any substance which could impair an employee's ability to perform the functions of the employee's job effectively and safely, including, but not limited to, prescription medication, alcohol, heroin, cocaine, morphine and its derivatives, PCP, methadone, barbiturates, and amphetamines. Employees shall only be tested in a manner permitted by law for psychoactive cannabis metabolites that indicate active impairment while on duty.

F. Pre-employment Drug Testing:

Prior to the start of employment, the City may require all applicants for certain positions to submit to a test for 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, may be disqualified from City employment where the applicant's use of illegal drugs could affect job standards, duties or responsibilities.

If the drug screen is positive at the pre-employment physical, the applicant must provide, within 24 hours of request, bona fide verification of a valid current prescription for the drug identified in the drug screen. If the drug is one that is likely to impair the applicant's ability to perform the job duties, the applicant may not be hired.

G. Post-Accident Testing: Unless the City determines that the employee's performance was not a contributing factor, any employee involved in a reportable accident may be subject to an alcohol test within two hours following the accident and to a drug test within 24 hours following the accident. Not only may the operator of the 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 worksite where the accident occurred.

An accident is considered reportable for testing purposes if it occurs while in a City vehicle, on City property, or when performing any City-related business and involves any of the following:

- a. Significant Vehicular damage;
- b. Bodily injury demanding immediate medical treatment away from the scene of the accident;
- c. A fatality; or
- d. Issuance of a citation by law enforcement to the employee for a moving traffic violation arising from the accident.

H. During Employment, Positive Alcohol or Drug Test:

A positive result from a reasonable suspicion or post-accident drug test may result in disciplinary action, up to and including termination. If a drug screen is positive due to the use of prescription drugs, the employee must provide, within 24 hours of request, bona fide verification of a valid current prescription for the drug identified in the drug screen. The prescription must be in the employee's name. If the employee does not provide acceptable verification of a valid prescription, or if the employee has not previously notified the employee's supervisor, the employee will be subject to disciplinary action up to and including termination.

I. Confidentiality

Laboratory reports and test results shall not appear in an employee's personnel file. Information of this nature will be maintained in a separate, confidential folder that will be securely kept under the control of the Personnel Officer.

The reports or test results may be disclosed to City management on a strictly "need-to-know" basis and to the tested employee upon request. Disclosures, without employee consent may also occur when:

1. The information is compelled by law or by judicial or administrative process; or
2. The information has been placed at issue in a formal dispute between the City and the tested employee; or
3. When the information is to be used in administering an employee benefit plan; or
4. The information is needed by medical personnel for diagnoses or treatment of the tested employee and the tested employee is unable to authorize disclosure.
5. The information is required to be reported to a federal agency to fund the grant by which the employee is employed, when such employee is convicted of violating a criminal drug statute in the workplace.

RULE XVII -POLICIES AGAINST HARASSMENT, DISCRIMINATION AND RETALIATION AND AGAINST WORKPLACE VIOLENCE

● HARASSMENT, DISCRIMINATION AND RETALIATION

SEC. 17.1 POLICY AND PURPOSE

The City has zero tolerance for any conduct that violates this Policy. Conduct need not arise to the level of a violation of law to violate this Policy. Instead, a single act can violate this Policy and provide grounds for discipline or other appropriate sanctions. This policy applies to harassment or discrimination against an applicant or employee by a supervisor, management employee, elected or appointed official, co-worker, member of the public, or contractor on the basis of:

- race, color, national origin, or ancestry;
- religion (including religious dress and grooming practices);
- sex (pregnancy, childbirth, breastfeeding, or a related medical condition);
- gender, gender identity, gender expression, or gender transitioning status;
- physical disability, mental disability, medical condition (genetic characteristics, cancer or a record or history of cancer), or genetic information;
- marital or domestic partner status;
- citizenship status;
- age (over 40);
- sexual orientation (including homosexuality, bisexuality, or heterosexuality and others);
- exercising a legally protected right to a leave of absence (e.g., FMLA/CFRA family medical leave, pregnancy disability, etc.);
- status as a victim of domestic violence, sexual assault, or stalking;
- reproductive health decision-making (including the decision to use to access a particular drug, device, product, or medical service for reproductive health), or
- any other classification protected under state or federal law.

Any such discrimination harassment or retaliation is unlawful and all persons involved in the operations of the City are prohibited from engaging in this type of conduct.

This Policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training. Disciplinary action or other appropriate sanction up to and including termination will be instituted for prohibited behavior as defined below.

Any retaliation against a person for filing a complaint or participating in the complaint resolution process is prohibited. Individuals found to have retaliated in violation of this Policy will be subject to appropriate sanction or disciplinary action up to and including termination.

SEC 17.2 PROHIBITED BEHAVIORS AND RESPONSIBILITIES

A. Harassment Defined

Verbal, Physical and Visual Forms of Harassment: Includes but is not limited to verbal, physical and visual contact that creates an intimidating, offensive or hostile working environment, or

that interferes with work performance. Some examples include racial or sexist slurs or epithets, derogatory comments, ethnic or sexist jokes, posting of offensive statements, bulletins, drawings, posters or cartoons, and unwanted touching, impeding or blocking of normal movement.

Sexual Harassment: Includes the making of any unwelcome advances and/or visual, verbal or physical conduct of a sexual nature, as well as offering employment benefits in exchange for sexual favors or threatening reprisals after a negative response to a sexual advance. The definition of sexual harassment includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. Some examples of sexual harassment are:

1. Requests for sexual favors;
2. Demeaning sexual remarks;
3. Leering;
4. Sexual gestures;
5. Displaying sexually suggestive objects or pictures;
6. Referring to anyone in terms such as "sweetheart" or "honey";
7. Making or using derogatory comments, epithets, slurs or jokes;
8. Comments about an individual's body;
9. Touching, impeding or blocking movements.
10. Any other conduct based upon an individual's sex that creates an atmosphere or environment that interferes with that individual's job performance or is intimidating, hostile or offensive to that individual.

B. Identification Guidelines

To help clarify what constitutes harassment in violation of this Policy, use the following guidelines:

1. Harassment includes any conduct which is "unwelcome" and which is taken because the recipient is a member of a classification protected by law.
2. It is no defense that the recipient appears to have voluntarily "consented" to the conduct

at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized.

3. Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. Small, isolated incidents might be tolerated up to a point. The fact that no one is complaining now does not preclude anyone from complaining if the conduct is repeated in the future.

4. Even visual, verbal, or physical conduct between two employees who appear to welcome the conduct can constitute harassment of a third applicant, officer, official, employee, or contractor who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.

5. Conduct can constitute harassment in violation of this Policy even if the individual engaging in the conduct has no intention to harass and does not actually harbor sexual desire for the person being harassed. Even well-intentioned conduct can violate this Policy if the conduct is directed at, or implicates a protected classification, and if an individual of the recipient's same protected classification would find it offensive (e.g., gifts, over attention, endearing nicknames).

C. Responsibilities

Department directors and supervisors, at all levels, are responsible for:

1. Maintaining a work environment free from harassment.
2. Implementing and monitoring compliance with this Policy.
3. Making all employees aware of the City's Anti-Harassment Policy and when needed, obtaining additional information on the subject for them.
4. Addressing complaints as they occur with the same level of scrutiny and concern as complaints involving other prohibited behavior.
5. Explaining the complaint resolution procedure to a complainant.
6. Administering discipline to the offending employee or employees when warranted by the circumstances.

Person Filing Complaint: The person filing the complaint is encouraged to make attempts, if possible, to inform the person alleged to have violated this policy that the behavior is unwelcome. The person filing the complaint is encouraged to do this, but such action is not necessary in order to file a complaint. No employee shall retaliate against a person for making

a complaint or for informing another employee that their behavior is unwelcome.

Personnel Officer: The Personnel Officer may cause an independent investigation to be conducted of complaints, maintain a confidential file on all charges of harassment, and draft or cause to be drafted a report summarizing the investigation and proposing recommendations.

Status of Investigation: The Personnel Officer shall keep the appropriate employees informed of the status of the investigation.

D. Confidentiality

All personnel shall maintain confidentiality about complaints in order to protect the parties involved, and information shall not be disclosed other than to assist in the investigation.

E. Retaliation

Any adverse conduct taken because an applicant, employee, or contractor has reported harassment or discrimination, or has participated in the complaint and investigation process described herein, is prohibited. "Adverse conduct" includes but is not limited to: taking sides because an individual has reported harassment or discrimination, spreading rumors about a complaint, shunning and avoiding an individual who reports harassment or discrimination, or real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination. The following individuals are protected from retaliation: those who make good faith reports of harassment or discrimination, and those who associate with an individual who is involved in reporting harassment or discrimination or who participates in the complaint or investigation process.

F. Sexual Harassment Training

All non-managerial employees must attend a one-hour Sexual Harassment Prevention Training, and all managerial employees must attend a two-hour Sexual Harassment Prevent Training every two years, as assigned by Human Resources. Employees may be required to attend additional anti-harassment or other sensitivity trainings in regards to any protected class. Employees may refer to the Department of Civil Rights (CRD) sexual harassment prevention online training course appropriate for their position. Employees may also visit <https://calcivilrights.ca.gov> to access the online training courses.

Sec 17.3 COMPLAINT RESOLUTION PROCEDURES

A. Filing of a Complaint

Employee or job applicants who believe they have been the victim of harassment should immediately file a complaint with any one of the following, as may be appropriate:

1. The immediate supervisor.
2. Any department director or supervisor within or outside the department.
3. The Personnel Officer.

Any employee who believes a co-worker has been the victim of harassment should also immediately report the conduct.

B. Complaint Content

The complaint should be specific and as detailed as possible. Every complaint of harassment that is reported will be taken seriously. The following should be included in the complaint:

1. The full name, title and address of the complainant.
2. The full name and title of the employee who is alleged to have violated this Policy.
3. A concise statement of the facts and details constituting the alleged harassment.
4. The remedy sought.
5. The signature of the complainant.

C. Response to a Complaint

All employees, supervisors, and managers are expected to treat any complaint immediately, seriously, and confidentially, and to give the complaint top priority.

D. Investigation Procedure

Employees are encouraged to report all concerns about harassment, so that these concerns can be investigated and addressed, as appropriate. Any person receiving a complaint of harassment shall immediately notify the Personnel Officer. The Personnel Officer shall expeditiously cause an investigation to take place regarding all complaints of harassment. Managers and supervisors shall assist when appropriate and make available any employee for interviews and present any documents required by the investigator. Every employee's cooperation is crucial. Retaliation is prohibited against any employee by management or other employees for making a complaint of harassment, or for participating in the investigation of any complaint. However, an employee found to have knowingly submitted a false or malicious complaint can be subject to disciplinary action.

E. Investigator's Report

The investigator shall submit a report of the findings of the investigation and recommended action to the Personnel Officer for review and final determination.

F. Final Determination

If the finding of the investigation concludes that there has been no unlawful practice, the complaint shall be dismissed and the complainant shall be notified in writing by the Personnel Officer. If the investigation determines that harassment has taken place, then appropriate action will be taken against the employee in violation of this Policy.

G. Disciplinary Procedure

When appropriate, and depending upon the severity of the harassment, the department director of the employee who is in violation of this Policy may commence appropriate discipline in accordance with the Personnel Rules. When deemed appropriate by the Personnel Officer and department director, the disciplinary process and the investigation of a complaint may be processed simultaneously. Nothing in this section shall preclude discipline for harassing behavior in the absence of a complaint.

In addition to the City's Policy and internal procedure, the State of California Civil Rights Department (CRD) and the U.S. Equal Employment Opportunity Commission (EEOC) provide additional information regarding the legal remedies and complaint process available through governmental agencies. If an employee thinks the employee has been harassed, or that the employee has been retaliated against for resisting or complaining, that person may file a complaint or obtain additional information from CRD at (800) 884-1684 or <https://calcivilrights.ca.gov/>, or the EEOC at 1-800-669-4000 or <https://www.eeoc.gov/contact-eeoc>.

● WORKPLACE VIOLENCE

18.1 POLICY AGAINST VIOLENCE IN THE WORKPLACE

It is the policy of the City of Goleta to implement a Zero Tolerance standard with regard to threats and violent behavior in the workplace, against or by any employee of the City or any other person. It is the City's intention to maintain a safe work environment, free from intimidation, threats, violent acts, or other conduct that can impair the ability of employees to perform their jobs. This includes, but is not limited to:

1. Striking, punching, slapping, or assaulting another person.

2. Fighting or challenging another person to fight.
3. Grabbing, pinching or touching another person in an unwanted way whether sexually or otherwise.
4. Engaging in dangerous, threatening, or unwanted horseplay.
5. Threats or offensive remarks regarding violent threats.
6. Vandalism, arson, sabotage.
7. Possession, use, or threat of use, of a gun, knife or other weapon of any kind at the workplace, including parking lots, other exterior premises, City vehicles, or while engaged in activities for the City in other locations or events. Exception: unless such possession or use is a requirement of the job and/or the person has a valid California Concealed Weapons Permit along with approval from the City Manager, and such possession is appropriate for the workplace.

18.2 PROHIBITED BEHAVIORS AND RESPONSIBILITIES

Zero Tolerance with regard to threats and/or violent behavior shall include, but not be limited to, the following proactive measures and/or prohibitive behavior:

No person shall engage, or be allowed to engage, in violent conduct or make threats of violence, implied, actual, direct or indirect, at a City work site or property, or in connection with the conduct of City business.

All threatening comments or behavior, direct, indirect, implied or actual, are to be taken seriously, and are never to be dismissed as “harmless” or “just blowing off steam.”

Threatening comments, action, or violent behavior at any City location or at any location where City business is being conducted are to be reported immediately to City Management. Supervisors shall take necessary steps to ensure the incident is immediately reported to an appropriate department director.

The supervisor to whom an incident is reported shall immediately provide security for the threatened individual, co-workers, and the public at the work site by:

1. Immediately placing an employee alleged to have made threats or engaged in a violent behavior on paid leave pending the outcome of an investigation.
2. Ensuring that any threatening or violent person, employee or member of the public, leaves the work site.

3. Immediately contacting an appropriate Law Enforcement Agency or 911, if necessary, to ensure removal of the offender from the scene.

4. Ensuring that an employee who has been the victim of job related threats or violence away from City work sites does not revisit the scene until authorities have dealt with the matter.

All threats and violent behavior, implied, actual, direct or indirect, are to be documented and investigated by the City's Personnel Officer. Such documentation shall include a narrative of the incident including names and other appropriate identification of the parties involved, verbal comments made or a description of the violent behavior, witness names and statements.

City employees who engage in threats or violence, indirect, implied or actual, against co-workers or any other person in connection with City business, are to be subject to legal action by law enforcement authorities and disciplinary action, up to and including termination of employment. Mandatory participation in and satisfactory completion of counseling sessions may become a condition of continued employment upon violation of this policy.

City employees are prohibited from the possession and carrying of weapons of any kind onto a City work site, event or property which, in the sound and sole judgment of City management, is inappropriate.

No one acting in good faith, who initiates a complaint or reports an incident under this Policy, will be subject to retaliation or harassment.

In the event the City fears for the safety of the employees or others at the scene of the violent act, law enforcement will be called.

The City expects all employees to cooperate fully in the investigation of possible violations of this policy. In order to ensure compliance with this policy, the City reserves the right to question and inspect any person on, entering or leaving its premises (including parking lots and other work sites), along with any packages the person may be carrying, when there is a reasonable suspicion that the person is, has been, or may be violating this policy. All property in the joint or sole possession of the City, such as desks, cabinets, lockers, computer files, City-owned vehicles, etc., are subject to inspection and search. Any illegal and/or otherwise unauthorized articles discovered on such a search may be taken into custody and turned over to appropriate law enforcement officials.

"Reasonable suspicion" means a belief based on facts sufficient to lead a reasonable prudent person to suspect that the person in question has violated or may in the near term violate this policy.

An employee's refusal to consent to such an inspection or to otherwise cooperate in an investigation conducted under this policy is grounds for immediate discipline, up to and including termination of employment.

A. Responsibilities

1. City Manager, Assistant City Manager, City Attorney, and department directors ensure this policy is fully implemented in all work locations within their areas of responsibility.
2. Ensure that mid-level managers and supervisors are fully informed of Zero Tolerance and that all action defined under Policy Procedure is followed.
3. Ensure that incident documentation is completed accurately and in a timely manner.
4. Ensure that Personnel Officer, as well as law enforcement officials if appropriate, are promptly notified of threats and violent behavior, direct, indirect, actual, or implied.
5. Ensure that appropriate managers, supervisors, and employees attend all training with regard to work place violence as provided by Personnel Officer.
6. Ensure that all City work sites are reviewed for the purpose of providing employee security and protection from the potential of reasonably foreseeable violent action.
7. Ensure that all reports of threats and violent behavior, direct, indirect, actual, or implied, are fully and formally investigated by Personnel Officer, with the assistance and involvement of appropriate supporting staff.

B. City Employees

1. Comply with the provisions of this Policy.
2. Attend all training with regard to workplace violence as provided by Personnel Officer.

RULE XVIII -UNIFORMS, EQUIPMENT AND DRESS CODE

SEC. 18.1 UNIFORMS

The cost of such uniforms as employees are required to wear shall be borne by the City.

SEC. 18.2 EQUIPMENT

A. The City shall provide employees with the essential equipment to perform the duties of their

positions.

B. Employees are responsible for requesting training on equipment that they are unfamiliar with. Also, employees are responsible for the proper operation and maintenance of all equipment. Employees must report all maintenance and repair needs to their immediate supervisor.

SEC. 18.3 SAFETY EQUIPMENT AND PROTECTIVE CLOTHING

A. All field employees will be required to wear approved safety shoes and other safety equipment and protective clothing. Such employees failing or refusing to wear such safety equipment and protective clothing as appropriate will be subject to disciplinary action. If any employee is unable to wear such safety equipment and protective clothing for medical reasons, the employee must submit to the City a doctor's statement covering the reasons.

B. The City will provide the following safety equipment and protective clothing:

1. Hard hats
2. Ear plugs
3. Safety goggles
4. Safety vests
5. Raincoats
6. Approved Safety Shoes.

C. Responsibility.

The City will provide designated employees with an allowance each fiscal year for the purchase of Safety Shoes with appropriate soles for use while performing duties of their position. Designated employees shall be determined by the department director. The amount of the annual allowance will be adopted with the Two-Year Budget Plan. Employees may request their manager to provide an additional allowance in the event that Safety Shoes are damaged during the course and scope of performing job duties to an extent that they no longer provide adequate safety protection.

Designated employees must wear Safety Shoes in order to remain eligible for the Safety Shoe Allowance provided by the City.

Designated employees will be expected to wear Safety Shoes while performing duties of their

position.

Designated Employees shall be eligible for the Safety Shoe Allowance upon hire and annually thereafter as needed.

Costs in excess of the City-paid annual allowance shall be the personal responsibility of the affected employee.

D. Procedure

Designated employees shall, upon recommendation by their immediate supervisor and approval of the department director, purchase Safety Shoes by the following means:

1. Obtain from their supervisor a City Work Safety Shoes Authorization Form and take the form to an approved vendor as indicated on the form.
2. Present the form to the vendor at the time of payment.
3. The vendor will invoice the City to a maximum of \$260 toward the cost of the Safety Shoes selected.

Costs in excess of the annual allowance must be paid by the employee at the time of purchase and will not be reimbursed by the City.

SEC. 18.4 CELL PHONES

A. Responsibility

The City will provide designated employees a monthly allowance to cover the costs associated with the use of their personal cellular telephones, including those that are email and text-enabled, for business purposes. Designated employees shall be determined by the City Manager.

Designated employees must possess a personal cellular telephone and maintain service in order to become eligible for the monthly allowance provided by the City.

Designated employees will be expected to be available via cellular telephone, email and text during normal business hours or as workload demands require. Non-exempt employees who are subject to overtime should only use cell phones to conduct business while off-duty if required by emergency circumstances.

Each cellular telephone user will be held accountable for the user's own actions which affect such resources.

Payment of any business cellular phone charges in excess of the City-paid monthly allowance shall be the personal responsibility of the affected user.

The amount of the monthly allowance paid to designated employees shall be adopted as part of the City's Two-Year Budget Plan and reflected in the Funded Positions Compensation Plan Schedule.

B. Procedure

Designated employees shall provide documentation verifying their ownership and business use of a cellular telephone to the Human Resources Division, in order to become eligible for the cellular telephone allowance.

As needed or requested, designated employees shall provide documentation to the Human Resources Division verifying continued ownership and business use of a cellular phone in order to maintain their monthly allowance.

The allowance shall be paid by the City to the user on a bi-weekly basis.

The City will purchase the cellular telephone for a designated employee up to a maximum set in the adopted Two-Year Budget Plan. The telephone remains the property of the City.

C. Legal and Ethical Limitations on the Use of Cellular Telephones for Business Purposes

While the City recognizes and respects users' rights to freedom of speech, such rights are not absolute. Speech which is fraudulent, libelous, obscene, harassing, discriminatory, or threatening is not permitted under state or federal law, and is in direct violation of City policies and the City's Personnel Rules. While conducting City business, users are expressly prohibited from using their cellular telephones to engage in such conduct. Users violating this section will be subject to disciplinary action up to and including termination, and in appropriate circumstances, a referral for prosecution for the violation of criminal laws.

For purposes of this Policy, the terms "fraud" and "libel" are given their legal meaning as developed by the courts of this state and of the United States. "Obscenity" means words, images or sounds which a reasonable person, applying contemporary community standards, when considering the contents as a whole, would conclude that they appeal to prurient sexual/physical interests or violently subordinating behavior rather than an intellectual or communicative purpose, and materials that, taken as a whole regarding their content and their particular usage or application, lack any redeeming literary, scientific, political, artistic or social value. "Threatening" means communications which result in an individual being fearful of imminent bodily harm and/or emotional/mental disruption of the individual's daily life. "Harassing" means to engage in a knowing and willful course of conduct directed at another

which seriously alarms or annoys another, and which serves no legitimate purpose.

In addition, "harassment" shall also mean to subject to unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of such a nature which has the purpose or effect of creating an intimidating and/or hostile work environment, or as otherwise provided pursuant to state and/or federal law. Other conduct which is prohibited by this Policy is that which would constitute discrimination on the basis of race, religion, sex, national origin, disability, marital status, sexual orientation or any other classification protected by state and/or federal law.

SEC. 18.5 DRESS CODE

A. Responsibility: Employees are expected to use good judgment and discretion in determining their work attire each day. Work attire must be neat, clean, and appropriate in appearance at all times. Employees of the City are required to dress appropriately for the jobs they are performing. Failure to follow the dress regulations contained in this section may be grounds for discipline. Employees should consult their supervisor, manager, department director or the Personnel Officer with questions regarding appropriate dress.

B. Inclusivity: The City's dress code policy is intended to be inclusive of diverse identities and expressions, and the City will consider modifications to the policy in order to accommodate disabilities, religious or cultural hairstyles and dress, and gender expression.

C. On regular business days, and for employees that are not required to wear uniforms, the following guidelines apply:

1. All clothing must be neat, clean and in good repair.
2. Business Attire including suits, sports jackets and ties should be worn for formal public meetings and events, such as City Council Meetings and Planning Commission Meetings.
3. Casual Business Attire is generally appropriate for everyday wear, except for formal public meetings and events such as City Council Meetings and Planning Commission Meetings. Casual Business Attire includes:
 - a. Shirts/Blouses: Shirts with City logo and Collared shirts or blouses, polo or golf-style shirts, sweaters, or turtlenecks.
 - b. Pants or Slacks: Casual khaki-type, corduroy, gabardine, or wool pants or slacks.
 - c. Dresses or Skirts: Casual dresses with sleeves, knee length or longer skirts.
 - d. Other: Any City-issued clothing such as shirts, vests or jackets bearing the City logo.
 - e. Conditional: Some items that ordinarily would be too casual for work may be appropriate in their more formal/professional looking iterations, provided that they are a single muted color (no prominent patterns, messages, or markings),

are not dirty, ripped, faded, or worn, and are not styled in a way that is tight or revealing:

- i. Sweatshirts and collarless shirts, such as long and short sleeved t-shirts;
 - ii. Denim or jeans;
 - iii. Blouse-type tank tops and sleeveless dresses;
 - iv. Tennis/athletic shoes; and
 - v. Athleisure Wear: defined as "fashionable, dressed up sweats and exercise clothing" appropriate for general wear including joggers, sweatpants, and yoga pants meeting the above requirements.
4. Prescribed uniforms and safety equipment must be worn where applicable.
 5. Footwear must be appropriate for the work environment and functions being performed.
 6. Hair must be neat, clean, and well groomed.
 7. Beards, mustaches, and sideburns must be maintained in a neat and well-groomed fashion.
 8. Jewelry is acceptable except in areas where it constitutes a health or safety hazard.
 9. Good personal hygiene is required.
 10. Dress must be appropriate to the work setting, particularly if the employee deals with the public.

D. Inappropriate Attire: The following items are not considered appropriate business attire at any time, unless designated as part of a theme dress day:

1. Shirts/Blouses: prominent logos, shirts or sweatshirts with images or messages, casual tank tops, strapless blouses or spaghetti strap shirts, blouses which are tight, sheer, low-cut or revealing.
2. Pants or Slacks: Shorts, cutoff pants, denim pants or jeans which are ripped, frayed, torn, or overly faded; leggings or tights worn as pants.
3. Dresses or Skirts: Backless or low-cut dresses, extremely short (i.e., "mini") skirts, dresses or skirts that are revealing.
4. Footwear: Bare feet, flip-flops/shower shoes, or slippers.
5. Other: Bare midriffs, sheer, tight or revealing clothing of any kind, clothing with cut-outs, clothing that is worn, ripped, faded/bleached, or frayed, overly garish clothing, and clothing that advertises a product or displays a cartoon, image, or message.

E. Remote Work: remote workers are expected to adhere to the above standards at all times when they are, or may be, visible to others in the course and scope of their work.

D. Violations of this Policy: If an employee's attire is unacceptable, their supervisor/manager will verbally counsel them. The employee may be required to correct their attire that day, and Supervisors may elect to send an employee home to correct their attire. Initial counseling regarding attire will be considered a warning, and any future violations of the policy will subject the employee to disciplinary action, up to and including termination. Should an employee be

sent home to correct attire that is in violation of this policy, the employee will not be compensated for the time spent traveling home, changing their attire, and traveling back to work. The employee may use appropriate leave banks to cover this time.

RULE XIX -INFORMATION SYSTEMS POLICY

SEC. 19.1 CITY INFORMATION SYSTEMS USE

These policies defining and governing acceptable and unacceptable use will apply to anyone who uses any computer system, software or application, network system and/or server, Internet or Intranet web site, tablet, mobile device, voice over internet protocol device or other data processing equipment owned or operated by the City, as well as the use of any remote computer systems or mobile devices when used to access City information systems.

As a condition of using the City's computer resources, all users must sign the attached Information Systems Use Policy Acknowledgement. Use of the City's information resources in violation of this Policy is prohibited, and can result in revocation of a user's access to the City's information systems, employee disciplinary action up to and including termination, and a referral for prosecution to other entities for violation of federal, state and/or local laws and regulations.

SEC. 19.2 PROCEDURES

A. Access/Accounts

Access to the City's information system resources is a revocable privilege which requires that users act responsibly and in a manner consistent with the provisions of this Policy.

Users do not own accounts on City information systems, but rather are granted the use of such accounts. The City owns the account and grants individuals a revocable privilege to use it.

Employees and other authorized users sign the Information Systems Policy Acknowledgement Form in order to be granted access to the systems offered by the City. This form is available in the Human Resources Division. Users who have had their privileges revoked or suspended may not attempt to access the information systems during the term of such revocation or suspension.

B. Responsibilities

As a condition of the privilege of using the City's information systems, each user will be held accountable for the user's own actions which affect such resources.

City information systems are to be used only for the performance of job duties, assignments and related tasks, such as research, distribution of information, and administrative activities. Users are required to use the City's information systems, including hardware, software, networks, mobile devices, websites and social media and computer accounts in accordance with this Policy and in respect of the rights of other information system users.

Users shall not attempt to modify any system or network or attempt to crash or hack into City systems. They shall not tamper with any software protections or restrictions placed on computer applications or files. Unless properly authorized, users shall not attempt to access restricted portions of any operating system or security software. Also, users shall not attempt to remove existing software or add their own personal software to City computers and systems unless properly authorized by the System Administrator (see attached "Request to Install Computer Hardware and/or Software" form).

Users shall use only their own designated accounts. Users are required to keep all usernames, passwords, and account information confidential, and shall take reasonable precautions to prevent others from obtaining this information. It is recommended that users change their passwords periodically to prevent unauthorized use of their account. Accounts are not transferable, and users shall not allow others to use their own account. Users will be responsible for any use of their accounts by others to whom access has been given.

Users shall not use another individual's username, password or account. Users shall respect the rights of others, and are prohibited from accessing or copying another user's e-mail, data, or other files without the prior express consent of that user. Users shall send e-mail only from their own city e-mail addresses in conducting City business. Users are prohibited from concealing or misrepresenting their identity while using the City's computer resources.

Users are responsible for using software and electronic materials in accordance with copyright and licensing restrictions. Users are required to abide by all applicable copyright and trademark laws, and to abide by all licensing agreements and restrictions. Users shall not copy, transfer, or utilize any software or electronic materials in violation of such copyright, trademark and/or licensing agreements. The copying of software that has not been placed in the public domain and distributed as "forewarn" is expressly prohibited by this policy. Users who access, copy, transfer and/or use "shareware" are expected to abide by the requirements of the shareware licensing agreement. No user may inspect, change, alter, copy, or distribute proprietary data, programs, files, disks or software without proper authority.

Courtesy and etiquette which govern vocal and written communications extends to electronic communications as well. Fraudulent, harassing, discriminatory, threatening, or obscene messages and/or other materials must not be transmitted through the City's computer resources.

C. No Right to Privacy

The City's information systems resources and all users' accounts are the property of the City of Goleta. There is no right to privacy in the use of the information system resources or users' accounts, and the City reserves the right to monitor and access information with or without notice on the system and in users' accounts for the purpose of determining whether a violation of this Policy has occurred or for any other reason. The City will remove any information on its systems which it determines to be in violation of this Policy.

The City may access information contained on its information systems under numerous circumstances, including, but not limited to, the following circumstances:

1. Under the California Public Records Act (CPRA), electronic files are treated in the same way as paper files. Public documents are subject to inspection through CPRA. In responding to a request for information under the CPRA, the City may access and provide such data without the knowledge or consent of the user.
2. The City will cooperate appropriately, upon the advice of legal counsel, with any local, state, or federal officials investigating an alleged crime committed by an individual affiliated with a City information system resource, and may release information to such officials without the knowledge or consent of the user.
3. The contents of electronic messages may be viewed by a System Administrator or supervisor in the course of routine maintenance, or as needed for City administrative purposes, including investigation of possible violations of this policy, or other disciplinary provisions.
4. The contents of electronic messages may be accessed unlawfully by others ("hackers") during the course of their transmission. It is therefore impossible for the City to ensure the privacy of any e-mail communication. Users sending confidential or private information should elect other more secure methods of communication if they wish to ensure privacy.

Users agree to represent themselves according to their true and accurate identities in all electronic messages, files and transactions at all times.

D. Legal and Ethical Limitations on the Use of City Information System Resources

While the City recognizes and respects users' rights to freedom of speech, such rights are not absolute. Speech which is fraudulent, libelous, obscene, harassing, or threatening is not permitted under state or federal law or City policy. Users are expressly prohibited from using the City's information systems to engage in such conduct. Users violating this section will be subject to revocation of their user accounts, and in appropriate circumstances, a referral for prosecution for the violation of criminal laws. Employees will be further subject to disciplinary

action up to and including termination.

For purposes of this Policy, the terms “fraud” and “libel” are given their legal meaning as developed by the courts of this state and of the United States.

1. “Obscenity” means words, images or sounds which a reasonable person, applying contemporary community standards, when considering the contents as a whole, would conclude that they appeal to prurient sexual/physical shall interests or violently subordinating behavior rather than an intellectual or communicative purpose, and materials that, taken as a whole regarding their content and their particular usage or application, lack any redeeming literary, scientific, political, artistic or social value.
2. “Threatening” means communications which result in an individual being fearful of imminent bodily harm and/or emotional/mental disruption of the individual’s daily life.
3. “Harassing” means to engage in a knowing and willful course of conduct directed at another which seriously alarms or annoys another, and which serves no legitimate purpose. In addition, “harassment” shall also mean to subject another to unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of such a nature which has the purpose or effect of creating an intimidating and/or hostile work environment, or as otherwise provided pursuant to state and/or federal law or in violation of City policy.

Other conduct which is prohibited by this Policy is that which would constitute discrimination on the basis of race, religion, sex, national origin, disability, marital status, sexual orientation or any other classification recognized by state and/or federal law.

E. Use of City Information Systems Resources

All users are required to behave in a responsible, ethical and legal manner as defined by this policy, and other existing City policies and guidelines which govern employee conduct. The following sections define appropriate and inappropriate use.

F. Appropriate Use

Activities deemed to be appropriate uses of City information systems include, but are not necessarily limited to, carrying out City-related assignments and activities requiring access to and use of information systems, including:

1. Authorized access to and use of computer programs and applications licensed by the City available on or access from stand-alone and networked computing stations, tablets or other mobile devices.

2. User access to authorized City e-mail accounts for the purpose of sending work-related communications.
3. Development of work-related materials.
4. Communication with other users and entities for purposes of performing City-related work.
5. Administrative use.

G. Inappropriate Use

Users are specifically prohibited from using the City's information system resources in any manner identified in this section.

Users who violate this section of the Policy by engaging in inappropriate use of the City's information systems shall be subject to revocation or suspension of user privileges, disciplinary action up to and including termination, and may also be subject to criminal or civil sanctions permitted by law. Such violations include, but are not limited to:

1. Destruction or damage to equipment, software, or data belonging to the City or others.
2. Disruption or unauthorized use of accounts, access codes, usernames or identification numbers.
3. Use of the City's information systems to defraud, threaten, libel, or harass others.
4. Use of the City's information systems in ways which impede the activities of others. Such activities include, but are not limited to: disrupting another's use of information systems by game playing; sending an excessive number of messages or e-mail, making or printing excessive copies of documents, files, data, or programs, or introducing computer viruses of any type onto the City's computer resources.
5. Use of the City's information systems which violate copyrights trademarks, and/or license agreements.
6. Use of the City's information systems to violate another's privacy, including but not limited to, accessing or using another user's account, username, identification number, password, electronic files, data, or e-mail.
7. Impersonation of any person or communication under a false or unauthorized name.
8. Transmission of any unsolicited advertising, promotional materials, or other forms of

solicitation.

9. Using City resources for commercial purposes or personal financial gain.
10. Sending or storing messages and/or materials with the intent to defraud, harass, defame, or threaten others.
11. Inappropriate mass mailing, “spamming” or “mail bombing.”
12. Tampering with any software protections or restrictions placed on computer applications or files.
13. Knowingly or carelessly introducing any invasive or destructive programs (i.e., viruses, worms, Trojan Horses, malware, etc.) into City computers or networks.
14. Attempting to circumvent local or network system security measures.
15. Altering or attempting to alter system software or hardware configurations on network systems and/or local computing or other devices.
16. Installing unauthorized software programs on City local computing devices, tablets, mobile devices or network systems and/or using such programs.
17. Ignoring or disobeying policies and procedures established for specific network systems.
18. Copying system files, utilities and applications that expressly belong to the City without written authorization from the City Manager or designee.
19. Accessing internet sites which are “adult-oriented” in nature, or which require the user to be over the age of 18 years, or which offer gambling services, or which contain obscene content of any nature.

H. Reporting and Consequences:

The System Administrator or department directors may informally resolve unintentional or isolated minor violations of use policies through e-mail or face-to-face discussion and education with the user or users concerned.

Individuals should report a suspected violation of this Policy by information system users to the System Administrator or the accused employee’s department director who will immediately refer the complaint to Personnel Officer for review. If the City determines that a violation has occurred, it may take immediate action to suspend or revoke the user’s privileges. In the event

users' privileges are suspended or revoked, the City will, if appropriate under the circumstances, provide the user with written notice of the suspension or revocation, and provide a statement of reasons for the actions taken. Possible sanctions also include deletion of material found to be in violation of this Policy and loss of user privileges. Disciplinary action against employees may also be taken pursuant to the City's personnel rules, or other rules and regulations.

SEC. 19.3 SOCIAL MEDIA POLICY

The City understands that its employees use social media sites to share events in their lives, to communicate, and to discuss their opinions with others, including family, friends and co-workers. However, the use of social media may present certain risks and carries with it certain responsibilities. To assist employees in making responsible decisions about their use of social media, the City has established this policy and guidelines for appropriate use of social media.

In the rapidly expanding world of electronic communication, social media can mean many things. In general, social media encompasses the various activities that integrate technology, social interaction, and content creation. Through social media, individuals can create web content, organize, edit or comment on content, as well as combine and share content on their own web site or on someone else's. Social media uses many technologies and forms, including web feeds, blogs, wikis, photography and video sharing, journals, diaries, chat rooms, bulletin boards, affinity web sites, podcasts, social networking, fan sites, mashups, and virtual worlds.

A. Rights and Responsibilities in Using Social Media Technology

1. Employees should use good and ethical judgment when using social media. To the extent social media use impacts City employees and clients, employees must follow City policies and regulations as applicable, including but not limited to those that protect individual privacy rights, anti-discrimination and harassment policies, the anti-workplace violence policy and other relevant City policies.

2. The City may take disciplinary action against the employee, up to and including termination, if employee use of social media:

- a. Is detrimental to the mission or function of the City;

- b. Adversely affects another employee;

- c. Adversely affects members of the public served by the City, people who work on behalf of the City or its legitimate business interests.

3. Examples of prohibited conduct include, but are not limited to:

- a. Using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, or threatening, or that might constitute harassment or bullying.
- b. Offensive posts that could contribute to a hostile work environment on the basis of race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation or any other status protected by law or City policy.
- c. Material that would make a reasonable person afraid for the person's safety or the safety of the person's family.
- d. Employees should strive for accuracy and full disclosure in any blog or post, and include links to sources of information. If an employee makes a mistake, the information should be corrected or retracted promptly. Information or rumors that known by an employee to be false about the City, your co-workers, or people working on behalf of the City should never be posted.
- e. Information that may violate City, client or employee rights should not be disclosed. For example, another individual's social security number, medical information or financial information must not be disclosed in a manner that violates that person's rights.
- f. If an employee publishes a blog or posts online related to the work or subjects associated with the City, the employee must make it clear that they are not speaking on behalf of the City. It is best to include a disclaimer such as "The postings on this site are my own and are not intended to reflect the views of the City." The City's Public Information Officer will not be required to post such disclaimers while posting information on social media platforms on the City's behalf.
- g. Employees should keep their personal lives separate from professional or work life, by using privacy settings to restrict personal information on public sites. Employees should consider who they invite or accept to join a social network as those individuals will have access to your profile, photographs, etc.
- h. Employees should understand that even if private settings are in place, those invited into a network can easily, print, save, cut, paste, modify or publish anything posted, including material subsequently removed from your network. Material can be archived on the Internet even after it is removed.

B. Using Social Media at Work

1. Employees must never use City Information Systems Resources, or work time, for personal social media activities.

2. Employees must not use City email addresses to register on social networks, blogs or other online tools utilized for personal use. Use of City email addresses to register on professional association networks, websites and listservs is acceptable if use of such networks enhances the employee's ability to perform assigned duties and conforms to all pertinent sections of these Personnel Rules.

3. Limited use of the City's internal Nextdoor platform is acceptable, as it aids in the dissemination of work-related information among employees and fosters positive working relationships. However, use of Nextdoor must not interfere with employees' ability to complete tasks and assignments in an efficient and effective manner, and must conform to all of the pertinent sections of the City's Personnel Rules.

C. Media Contacts

All media inquiries should be directed to the Public Information Officer (i.e., the Community Relations Manager). Employees should not speak to the media on the City's behalf without contacting the City Manager and the City's Public Information Officer or other designee.

RULE XX -TRANSPORTATION

SEC. 20.1 TRANSPORTATION DEMAND MANAGEMENT PROGRAM

A. Purpose and Goals

The purpose of the City of Goleta Transportation Demand Management (TDM) program is to encourage employees to use alternative means of transportation when they travel between their residence and the workplace. The primary goals of the program are: 1) To reduce single passenger vehicle trips on local and regional street and highway systems; 2) Reduce air pollution; 3) Reduce traffic congestion; 4) Enhance organization-wide efforts to be more environmentally responsible; and, 5) Increase employees' work-to-life balance by taking some of the stress and expense out of commuting.

B. Program Components

The City's TDM program is comprised of two primary components: 1) Organizational efforts to reduce vehicle trips; and, 2) Accommodations and incentives to encourage employee use of alternative modes of transportation in place of single-rider vehicle trips.

C. Organization-Wide Vehicle Trip Reduction:

At the administrative level, the City has enacted the following policies and practices that focus on reducing vehicle trips generated in the course of conducting City business, while

maintaining effective service levels:

1. 9/80 Work Schedule: In addition to the traditional eight hour per day, five days a week schedule, the City also offers a “9/80” work schedule wherein employees work a total of 80 hours over a nine day period and then take the tenth day off from work. This modified schedule results in a reduction of approximately 26 round trips to and from City Hall per employee, per year. This equates to 38,595 pounds of reduced emissions in a year. Details of the City’s 9/80 work schedule are outlined in the City’s Nine/Eighty (9/80) Plan Administrative Policy.

2. Telecommuting: Telecommuting is defined as working from a remote location, usually a home office, by connecting electronically to the workplace using telecommunication devices such as phones, faxes and computers. Because of the connectivity employees have to the workplace, they can participate in meetings, take calls, work on documents, send and receive emails in much the same way they would if they were present in the workplace. This allows employees to work effectively without having to travel to work, and as such, contributes to the reduction of vehicle trips and associated emissions and air pollution.

3. The City offers the option of telecommuting to approved employees as determined by the City Manager, City Attorney and department directors where applicable. Details of the procedures related to telecommuting are outlined in the City’s Telecommuting Policy.

D. Accommodations to Increase Employee Use of Alternative Modes of Transportation

The City has developed the following accommodations in order to support employees’ efforts to use alternative modes of transportation:

1. Pool Vehicle Use for Personal Errands during Standard Break Periods: Whenever possible, the City will make two pool vehicles available during the lunch hour (12:00 p.m. to 1:00 p.m.) for the use of employees who have utilized an alternative means of transportation to travel to work and do not have their personal vehicle available at the worksite. The purpose is to provide a means for employees to run personal errands, attend appointments or pick up lunch. The use of pool vehicles must be reserved and coordinated through the front reception desk staff.

2. Guaranteed Ride Home: The City is committed to ensuring that employees are not stranded at work in the event of a personal emergency as a result of having used an alternative mode of transportation to get to the workplace. Therefore, the City has contracted with Traffic Solutions to provide an Emergency Ride Home program to all individuals registered on the Traffic Solutions on-line database. There is no cost to the City associated with this service, and employees are reimbursed by Traffic Solutions up to \$55.00 for the cost of taking a taxi or rental car home and may receive this reimbursement

up to four times per year. Costs over \$55.00 may be the responsibility of the employee.

Unplanned personal emergencies are defined as personal or family illness, a family crisis, or when an employee's carpool, vanpool, or public transit is unavailable. Situations that are not considered personal emergencies include overtime (unexpected or planned), personal errands, pre-planned medical or dental appointments, business-related travel, or regional disasters, such as earthquake or flood.

In the event that the use of Traffic Solutions' Emergency Ride Home program is not feasible for the employee, the City may, at its discretion, allow the employee to use a City vehicle to return home in the case of a personal emergency. Such use of City vehicles will be subject to vehicle availability and approval by the employee's supervisor.

3. Onsite Carpool and Vanpool Parking: The City has made space available to accommodate the parking of both carpool and vanpool vehicles on site in order to make it easier for employees to participate in this type of ridesharing.

4. Bike Racks: The City has invested in a number of bike racks in order to support and encourage bicycle commuting. A bike rack which holds up to four standard sized bikes is located near the rear employee entrance to City Hall, while two bike pods with the capacity to contain two bikes per pod, have been installed in the parking lot behind City Hall. Two internal bike racks, with a holding capacity of four standard sized bikes, have also been provided to employees and are located in the garage storage area at City Hall.

5. Improvements to Restrooms to Enhance Privacy of Changing Facilities: Privacy curtains have been installed in the City Hall restrooms to provide employees with additional privacy when using the showers and lockers. The curtains will partition off the showering and changing areas in the restrooms to the maximum extent possible.

6. Bicycle Safety Training for Employees: The City will provide employees with periodic bike safety training workshops in order to support safe bicycle commuting as well as safe use of City-owned bicycles during standard break times to run personal errands. Traffic Solutions and League Cycling Instructors (LCI) will provide either a one or two hour-long bike safety training classes to City employees, as needed. Employees who use City-owned bicycles, both standard and electric, are required to participate in at least one bike safety training workshop and may be required to sign a waiver of liability prior to being granted permission to use said bicycles.

The City will provide employees with bike helmets to be worn while City-owned bicycles are being used. Use of said helmets is mandatory and failure to wear a helmet while riding a City-owned bike may result in the revocation of permission to use the bikes in the future.

E. Per-Diem Benefit Incentive for Employee Use of Alternative Transportation

1. Employees who chose to use an approved alternative means of transportation to and from work will receive a per-diem cash benefit to offset the costs of commuting. A list of approved transportation alternatives is listed below in Section F.

This program relies on employee self-reporting. To be eligible for the per-diem cash benefit, employees are required to log their trips in the Traffic Solutions online database for each day they complete an alternative commute. At the end of each month, employees must print out and sign a copy of the summary of their alternative commute activity provided by the Traffic Solutions online Commute Tracker feature. That summary must then be presented to the Human Resources Division for processing.

In recognition of their alternative commute trips, employees will receive a cash allowance for every day that they utilize only approved alternative modes of transportation when traveling both to and from work. This cash benefit will be distributed once a month through the City's payroll process and will be reflected in employee paychecks for the last pay-period of the month. The per-diem cash benefit will be subject to all Internal Revenue Service rules regarding Qualified Transportation Benefits and may be deemed taxable wages. The amount of the per-diem cash benefit will be adopted with the City's Two-Year Budget Plan.

2. At some point in the future, the City may consider providing additional incentives to enhance overall TDM program participation. Such incentives may include, but are not limited to, transit vouchers, gift cards, bicycle accessories or bike helmets.

F. Approved Alternative Transportation Modes:

In order for employees to receive the alternative transportation cash benefit detailed above, the following alternative means of transportation must be used both to and from work in the same day.

1. Walking and Biking: Employees can use these forms of commuting either point-to-point for local employees who live within a few miles of City Hall, or in combination with other alternative modes of transportation.

2. Public Transit (Buses): MTD, Vista Coastal Express, Coastal Express Limited, and Clean Air Express buses provide daily local and regional bus service to and from the Goleta area. The Clean Air Express service commuters coming from North Santa Barbara County, with the Coastal Express Limited and Vista Coastal Express offer service to riders coming from Ventura County to the South Coast region. MTD provides local service for Santa Barbara and Goleta. Employees can pay per trip or can purchase 10-day or monthly pass which are offered at a discounted rate through MTD.

3. Rail: Amtrak's Pacific Surfliner has several daily stops in Goleta from points north, such as San Luis Obispo, Grover Beach, Guadalupe, Santa Maria and near Lompoc, and points south such as Simi Valley, Camarillo, Oxnard, Ventura and Carpinteria. Employees can pay for this option per trip or can purchase 10-day passes for a discounted rate through Amtrak.

4. Vanpooling: There are three different vanpool companies which can be used by employees for the establishment of an employee vanpool. Vanpools are considered qualified commute highway vehicles and can hold up to 14 employees per vehicle. There are multiple sizes of vanpools depending on the demand and pricing options.

5. Employee Ridesharing: Traffic Solutions provides online rideshare matching tools for staff to determine ridesharing opportunities. This service matches commuters with carpools and vanpools traveling to similar destinations. Users of this system must register and provide information about their commutes to work including where they live, where they work and their work schedules. The system then generates a free match list of people enrolled in the program who live and work nearby and have similar schedules. Employees sharing a vehicle trip to and from the workplace with at least one other individual are considered to be ridesharing.

Approved modes of alternative transportation may be used in combination. For example, an employee may bike to work in the morning, but use public transportation to return home at the end of the day.

Single passenger vehicle trips traveling to and from a carpool or vanpool meeting site, rail or bus stop are allowed, as they assist employees who also use an alternative mode of transportation to travel to and from the workplace. The use of approved modes of transportation which convey employees both to and from the workplace in the same day, will qualify for the per-diem cash benefit.

G. Employee Eligibility

All employees of the City of Goleta are encouraged to participate in the TDM program. However, some employees may be restricted from receiving TDM program incentives, as noted in the Sections below pertaining to Auto Allowance and City of Goleta Travel Policy. Aside from those exceptions, most employees, whether full-time or part-time, may be eligible for TDM program incentives, including the per-diem benefit, if they comply with all TDM program requirements, subject to the terms and conditions contained herein.

H. Coordination with Other City Benefits and Policies

While use of alternative modes of transportation is encouraged for all City employees, certain conditions may affect an employee's participation in the program.

1. Auto Allowance: Employees who, as a condition of their employment, compensation package or employment agreement, receive an Automobile Allowance shall be subject to the terms and conditions of the City's Auto Allowance Policy. However, should such an employee choose to participate in the TDM program while receiving the allowance, said employee shall not be eligible to receive both the TDM program per-diem cash benefit and the auto allowance. Recipients of the Auto Allowance will still be allowed to telecommute on a limited basis when feasible, and as such will be considered as contributing to the City's vehicle trip reduction efforts on those occasions.

2. City of Goleta Travel Policy: While travelling for the purpose of conducting City business, employees shall comply with all terms of the City's Travel Policy. Employees will not be eligible to receive the per-diem cash benefit for days that they receive mileage reimbursement or have transportation expenses, including, but not limited to, airfare, bus fare, or taxi fare, paid by the City, unless they can demonstrate that they used an approved alternative mode of transportation to travel between their residence and the workplace on that day.

3. City of Goleta Vehicle Usage Policy: Use of City vehicles by employees in connection with the terms of the TDM program shall be subject at all times to the terms and conditions of the City's Vehicle Usage Policy.

4. City of Goleta Telecommuting Policy: The act of telecommuting by City employees in connection with the terms of the TDM program shall be subject at all times to the terms and conditions of the City's Telecommuting Policy. Employees who are engaged in telecommuting will not be eligible to receive the per-diem cash benefit as that benefit is meant to discourage single-occupant vehicle trips when travel is required. By its nature, telecommuting does not require travel and results in the employee avoiding the costs of vehicle commuting.

I. Program Performance Measurement

City staff will conduct annual reviews of the Transportation Demand Management Program to determine if progress is being made toward achieving the program's goals. Specifically, staff will quantify the reduction in single passenger vehicle trips, miles driven, fuel consumed, and emissions generated. Statistics gathered through Traffic Solutions' online Commute Tracker will be used as the primary data source for this analysis.

As part of the annual review, staff will also determine whether any adjustment is needed in TDM program incentives or benefits. Employee participation rates as well as costs and available funds for the program will be considered in this assessment. Staff will advise the City Council if any changes to the TDM program are recommended. The City Council maintains the right to modify, suspend or discontinue the TDM program at any time if it deems the program to be unfeasible, unsustainable or unsuccessful.

SEC. 20.2 TELECOMMUTING POLICY/ HYBRID WORKPLACE

A. Purpose

Telecommuting is defined as the process of working at home or at an alternative work site for some portion of an employee's work hours. The City of Goleta considers this option, when appropriately undertaken, to be of value to both the City and the individual employee.

Telecommuting is a cooperative venture between the Department and employee based on the needs of the Department and the past and present performance of the employee. Telecommuting is neither a right nor an entitlement, but a tool to allow flexibility in work options.

The Transportation Demand Management (TDM) Program for the City of Goleta was developed to encourage employees to use alternative forms of transportation to get to and from work to reduce the number of single-passenger vehicle trips. This Policy will allow selected employees to participate in the City's TDM Program and will help to improve air quality, help increase an employees' work-to-life balance and provide alternative work sites in case of disaster.

Terms and conditions of employment with the City of Goleta remain the same regardless of the employee's work site. No employee is required to telecommute, unless specifically so directed by the City Manager for public health or emergency purposes. A telecommuting agreement is a voluntary, joint decision between Department and employee and may be terminated by either the Department or the employee upon written notice.

B. Goals

The goals of the City of Goleta Telecommuting Policy are as follows:

1. To assist in traffic reduction and the improvement of air quality;
2. To promote the efficient use of resources;
3. To increase the effective use of employee work hours;
4. Provide flexibility to employees to meet unique circumstances.

C. Selection Criteria

Four areas of selection criteria should be considered when assessing the feasibility of telecommuting in a particular work group:

1. Characteristics of the job;

2. The skills and workload of individual;
3. Experience of the Employee;
4. The needs and oversight abilities of the supervisor;
5. The proposed remote work site.

D. Job Characteristics

The requirements of the employee's job classification must meet the following criteria:

1. Communication requirements which can be met by telephone, voicemail or electronic mail at a minimum cost to the City, rather than face to face communication;
2. An individual presently working alone with information such as writing, reading, planning, computer programming, word processing and data entry;
3. Work products with identifiable time frames and measurable work activities with clearly defined tasks;
4. Tasks that require concentration and/or blocks of time when the employee works independently;
5. Minimal special equipment requirements.

E. Employee Characteristics

Ideal telecommuters are strong performers with a high knowledge of job requirements and who are self-disciplined, highly motivated, and comfortable working alone with little supervision.

Employees must also possess:

1. High job knowledge and proven high productivity and reliability;
2. Self-discipline, self-direction and motivation;
3. Above average skills in planning, organizing, managing time and meeting objectives;
4. Ability to maintain regular work relationships and close communication with supervisor and co-workers;

5. A desire to make telecommuting work.

F. Supervisor Characteristics

The role of the supervisor is a third criterion essential to the success of a telecommuting arrangement. The following traits have been found to be helpful for supervisors:

1. Good management skills, flexibility in management style, ability to manage by results rather than by the clock;
2. Above average organization and planning skills;
3. Ability to provide regular feedback to employees;
4. Ability to establish mutual trust and respect with the telecommuter;
5. Ability to establish and communicate clear objectives and performance criteria;
6. An open, positive attitude toward telecommuting.

G. Remote Site Related Criteria

All remote work sites must possess:

1. Adequate office space with appropriate lighting;
2. Internet access and remote connection with the City's system;
3. Computer equipment and software provided by the employee;
4. If City equipment is provided to the employee, the employee is responsible for ensuring that the equipment is properly used, maintained, and safely secured when not in use. City equipment shall only be used by the employee. No other person including, but not limited to, family members or household guests may use City equipment for any reason;
5. Telephone service to the remote site with effective answering machine or voicemail capabilities;
6. If the employee is unable to meet work obligations due to equipment issues, the employee agrees to notify the employee's supervisor and may be required to travel to the workplace to perform the job functions until the issues have been resolved;
7. Minimal interruptions.

H. Program Management Guidelines

1. Telecommuting is voluntary and may be terminated by employees, supervisor, department director or the Personnel Officer at any time. Approval of the privilege of participating is at the discretion of the Personnel Officer or the Personnel Officer's designee. Approval of the privilege of participation by employees of the City Attorney's Office is at the discretion of the City Attorney. Telecommuting arrangements shall not be terminated for arbitrary or capricious reasons.
2. Telecommuters and their supervisors remain obligated to comply with all City of Goleta rules, regulations, policies procedures and the Fair Labor Standards Act (FLSA). The violation of any of the above or the misuse of City time or any City-provided equipment may result in preclusion from telecommuting and/or disciplinary action, up to and including termination of employment.
3. Telecommuting shall occur on a part-time or periodic basis. No employee shall be allowed to telecommute on a full-time basis. A telecommuting schedule must be agreed upon with the telecommuter's department director and the employee.

Irrespective of the above, on an exception basis, and upon the recommendation of the department director, the City Manager may approve a full-time telecommuting arrangement for an employee for personal reasons for a period not to exceed a total of eight (8) weeks per fiscal year where the employee's job duties may be accomplished remotely. An employee may also be approved to telecommute temporarily while under orders from a health care provider or public health official to quarantine or isolate from others.
4. Requests to work overtime and use of leave balances (i.e. sick, vacation, management leave, or other types of leave) must be pre-approved by the telecommuter's supervisor in the same manner as when working on City premises.
5. The duties, obligations and responsibilities of a telecommuter are not changed by telecommuting. The employee's salary and benefits do not change as a result of telecommuting.
6. Telecommuters shall be accessible during their agreed upon regular business hours, regardless of work location. Arrangements for flexible work schedules are subject to supervisor's approval. Telecommuters and their supervisors must agree on how the telecommuter can ensure accessibility to departmental staff, and the expected response time for returning phone calls, emails and texts. The telecommuter will provide a home or mobile telephone number to the telecommuter's supervisor, as well as to other essential departmental staff.
7. The telecommuters' home address and telephone number will remain confidential and will

not be released to the public or any other unauthorized persons unless required by law.

8. Telecommuters who work at home will have a designated workspace maintained by the telecommuter. Telecommuters will be responsible for the ergonomics of their remote offices as well as maintain a safe condition free from hazards.

9. Telecommuting is not a substitute for dependent care. If a person (child, spouse, elder or other person) is relying on the employee for physical or emotional care, then the employee is likely to be unable to fully and effectively devote the employee's time to work assignments. The telecommuter must ensure that dependent care is provided in a way that allows the telecommuter to successfully fulfill the telecommuter's job responsibilities.

10. Telecommuters will work at the designated location during the hours agreed upon. Employees will not work elsewhere unless prior approval is obtained from the Department.

11. During telecommuting hours, telecommuters agree to engage in only City assignments or other employment activities approved by their department director.

12. The employee's personal vehicle shall not be used for City business unless specifically authorized by the supervisor/manager.

13. Telecommuters will take all precautions necessary to secure privileged information and prevent unauthorized access to any City of Goleta system.

14. Telecommuters may need equipment such as a computer, modem, printer, FAX or telephone line, as well as ergonomic workstations, chairs etc. The department director, at the department director's discretion, may provide employees with such equipment/furnishings and/or may pay for telecommunications expenses. If the City agrees to provide the equipment/furniture at the City's expense, then such equipment/furniture will remain the property of the City of Goleta.

15. Telecommuter's tax implications related to the home workspace are the responsibility of the employee. Telecommuters are advised to discuss any issues with their tax advisor.

16. The City's Worker's Compensation liability for job-related accidents will continue to exist during the employee's telecommuting work hours. Any work related injury should be immediately reported to the telecommuter's supervisor and/or the Human Resources Division.

17. The telecommuter remains liable for injuries to third persons or members of the employee's family on the employee's premises. The telecommuter agrees to indemnify and hold the City harmless from any damage to the employee's real property or injuries to third parties as a result of the telecommuting.

18. Telecommuting expenses not specifically covered in this policy will be dealt with on a case-by-case basis between employee and Department.

19. Telecommuters and their Department will jointly sign a Telecommuting Agreement that can be terminated at any time by either the Department or the employee. Telecommuters and supervisors should identify specific goals, completion dates and measurements for success. Both the telecommuter and the supervisor have the responsibility of ensuring that the identified tasks are completed in the same quality manner and with the same timeliness commensurate to the work done in the office.

20. Each telecommuting arrangement should be mutually agreed upon by the department and the employee.

21. The department may, at any time, change any or all of the conditions under which employees are permitted to telecommute.

I. Timekeeping, Reporting and Liability

All City of Goleta policies regarding attendance and hours worked also apply to telecommuting employees.

The telecommuter and the telecommuter's supervisor should agree upon a work schedule. Unless a different work schedule is designated, telecommuters are assumed to be available from 8 a.m. to 5 p.m. or 7:30 a.m. to 5:30 p.m. depending if they are on a 9/80 schedule.

Telecommuters generally spend the entire telecommuting day at the same remote work location. Only travel specifically authorized by the telecommuters' supervisor will be considered business travel eligible for reimbursement. Establishing a remote work location in the telecommuter's home does not make the telecommuter's regular commute to the primary employment location a business travel eligible for reimbursement.

J. Performance Guidelines

A major concern for some will be the supervising and performance evaluation of off-site employees. When it comes to evaluating off-site employees work, primary criteria should be:

1. Quality of work;
2. Timely and accurate/thorough completion of projects;
3. Maintenance of close communication.

K. Security

Data and information used by telecommuters must be treated with the same caution and respect that confidential material is given in the office. The telecommuter should be particularly aware of the following areas regarding security:

1. Any and all papers with confidential information must be treated accordingly;
2. Any confidential data stored on a computer at the employee's home must be protected as appropriate;
3. Access must be via a City-authorized software system and network;
4. If the employee will be transferring data from a PC located at home to one located at the office, the employee must be aware of the potential to spread computer viruses from home to office;
5. If the employee uses a computer at home to remotely access a computer or computer system at the office, the employee must be aware of the risks associated with the transfer of or access to confidential data;
6. It is incumbent upon the employee to protect any passwords or secure access devices associated with the City's computer system;
7. Access to City computers and computer networks from remote, non-City locations must be protected against unauthorized use. Some examples of unauthorized use are:
 - a. Copying any City owned or City licensed software onto a non-City owned computer;
 - b. Using City owned resources for profit;
 - c. Copying non-licensed software onto City owned equipment, or infecting City owned equipment or software with a virus.

If the employee uses a computer workstation owned by the employee or the City, the employee agrees to take responsible steps regarding data security including:

- a. Keeping security configurations up to date to protect the workstation from intrusions;
- b. Ensuring communication between the workstation and City is appropriately secure. The employee should consult with the City's Administrative Services staff;

c. The employee must have anti-virus software installed on the employee's computer regardless of ownership. The anti-virus software should be set up to automatically receive updates as they are released by the software vendor.

SEC. 20.3 TRAVEL POLICY

Staff, Councilmembers, other appointed City officials, and Commissioners are encouraged to attend meetings and conferences of professional organizations and associations to increase knowledge of and to identify resources for effective municipal management. Attendance at such conferences and meetings shall depend upon availability of fiscal resources as allocated in the City's budget.

Only travel/attendance which serves a municipal purpose and is deemed necessary and/or advantageous to the City of Goleta shall be approved by an employee's supervisor or the Personnel Officer. Travel shall be by the most economical means available, taking into consideration scheduling and other coordination issues. It is expected that sound judgment will be exercised in the expenditure of all public funds.

For the purposes of this policy, "travel" is used to indicate the movement, by normal modes of transportation, of an individual(s) from their customary place of business to another place of business as required and authorized to attend conferences and meetings. "Travel" includes local and non-local movements as follows:

1. Local Travel - Official travel performed within a distance of 100 miles from the City of Goleta or the traveler's residence and accomplished within one day.
2. Non-Local Travel - Official travel requiring at least one overnight absence from the traveler's residence or the City of Goleta and to a location more than 100 miles distance from the City of Goleta or the traveler's residence.
3. An overnight stay may be permitted for local travel in instances where travel would otherwise have to occur after 10:00 p.m., or in such cases as an overnight stay is required for unanticipated health and safety reasons.

The purpose of this policy is to establish guidelines for: 1) the approval of business travel; and, 2) the reimbursement of reasonable expenses which are incurred while conducting official City business.

SEC. 20.4 TRAVEL POLICY PROCEDURES

A. Authorization

1. The Personnel Officer, City Attorney, or department directors must authorize attendance, travel and reimbursement of all normal and necessary expenses incurred by employees in

the conduct of official City business prior to departure.

2. Personnel Officer authorization is not required for travel undertaken by City Councilmembers or the City Attorney, or for any reimbursement of associated expenses. However, reimbursements are limited to budget allocations for each Councilmember.

3. Planning Commissioners must coordinate all travel requests through the Administrative Assistant in the Planning Department. All travel and/or expense reimbursement requests by Commissioners must be approved by the Planning Director.

4. Employees must obtain authorization by submitting a Travel Authorization Form to their department director (or City Attorney or Personnel Officer when appropriate) prior to traveling. On this form employees must indicate the travel destination, purpose of the trip, the date/time of their departure and return, estimated costs for registration, lodging, transportation and mileage, as well as the account number (s) to be charged for travel expenses.

5. The approved Travel Authorization Form must then be submitted to the Finance Department prior to travel.

6. Travel must be approved in order for employees to be reimbursed for any out-of-pocket travel expenses or mileage reimbursement.

7. In areas not specifically covered by these guidelines, the Personnel Officer's decision shall govern.

B. Types of Authorized Travel Expenses

1. Registration - Registration fees charged for any authorized convention, conference, seminar or meeting. A receipt or some other proof of the fee amount, such as a copy of the conference program setting forth the fee rate, shall be provided with any reimbursement request.

2. Transportation - All travel will be by the mode most economical to the City. In arriving at the most economical mode, practical factors such as time, schedule coordination, distance traveled and cost of type of transportation mode must be considered.

3. Air and Rail - Round-trip fare for coach class or by the method least costly to the City are required. Special efforts shall be made to take advantage of discounts and special fares when such fares and discounts produce "real savings" to the City. If other travel arrangements are made, or are made in conjunction with approved personal leave, reimbursement shall be computed at the coach rate, using the shortest and most direct route to and from the location of the City business.

4. City Vehicles - Departmentally assigned or pool vehicles may be used for travel, when scheduling permits, to and from designated places outside the local area. No allowance or reimbursement for transportation is authorized when a City-owned vehicle is used. All City Vehicles have a gasoline credit card located in the glove box. However, any out-of-pocket expenses incurred in operating the vehicle shall be reimbursed only if receipts are provided.

5. Personal Vehicles - Unless authorized by the Personnel Officer or department director, no employee shall be reimbursed for the use of a privately-owned vehicle for travel, if a suitable City owned vehicle or bicycle is available for such use, unless the employee receives a vehicle allowance. City Councilmembers may request mileage reimbursement for the use of personal vehicles without authorization by the City Manager subject to availability of budget allocation.

Mileage for the use of a private vehicle shall be reimbursed at the current rate set by the Internal Revenue Service. Personnel receiving automobile allowances or unless otherwise covered by contract will not be entitled to mileage reimbursement in addition to the monthly allowance except for non-local travel (defined as travel more than 100 miles from the traveler's residence). In all cases, reimbursement for travel mileage shall be determined by the most direct route from point of departure or City Hall to point of return or City Hall with mileage calculated from the shortest distance.

6. Pool Travel - Whenever the use of motor vehicles occurs, every effort shall be made to pool travel. The traveler(s) accompanying the owner of a privately owned motor vehicle in which the official travel is performed, shall not be entitled to any reimbursement for mileage.

7. License and Insurance - Employees, City Councilmembers or other City officials operating city-owned vehicles or using privately-owned vehicles traveling on City business must possess a valid California Driver's License as well as automobile insurance coverage with limits of not less than those required by state law.

California Insurance Code §11580.9 states that where two or more policies affording valid and collectible liability insurance apply to the same motor vehicle in an occurrence out of which a liability loss shall arise, it shall be conclusively presumed that the insurance afforded by that policy in which the motor vehicle is described or rated as an owned vehicle is primary and the insurance afforded by any other policy shall be excess.

If an accident occurs while an employee, City Councilmember or other City official is operating a City-owned vehicle in the course of conducting City business, the City's insurance will be the primary insurance as per the requirements of California Insurance Code §11580.9. If an accident occurs while an employee, City Councilmember or other City official is operating a privately-owned vehicle while conducting City business, that individual's insurance will be the primary insurance as per the requirements of California Insurance Code §11580.9.

8. General Aviation - Travel by General Aviation as opposed to Commercial Aviation is allowed if it is the most economical mode of transportation.

9. Taxi, Car Rental, Bus Fare – Expenses may be reimbursed where use of such conveyances is reasonable and necessary in the conduct of City business. Receipts must be provided. The use of rental vehicles will be permitted when alternate transportation would be more expensive or impractical. Economy vehicles and corporate rates shall be requested for vehicle rentals. Whenever possible, travelers should utilize hotel courtesy buses or local shuttle services. Taxi service should be used only when no other convenient, less costly transportation which would accommodate the needs of the travel is available.

10. Garage and Parking Expense - Charges for parking and storage for private or City vehicles are reimbursable. Valet parking is not reimbursable unless self-parking is not offered at the location. Receipts must be submitted with requests for reimbursement.

11. Accommodations - Actual lodging expenses for single accommodations at out-of-town conferences or meetings are reimbursable. Lodging shall be obtained at the most economical rate available for safe, clean and quality accommodations. Lavish or oversized accommodations are not allowed. Whenever possible, single rooms at corporate/government rates are to be secured. Receipts for accommodation charges must be provided after travel.

Special efforts shall be made to obtain accommodations at or near the facility where official City business is to take place to reduce the costs of transportation between meetings and conference sites. Employee's lodging charges for conferences occurring within one hundred (100) miles of the employee's residence will not be paid for by the City, except when authorized by the Personnel Officer.

12. Meal Allowance, Non-Local Travel (Per Diem) - Employees, City Councilmembers and City officials will receive a Per Diem allowance as set by the State of California for the County of Santa Barbara to cover the cost of meals while conducting non-local travel.

13. The City's Finance Department will calculate current Per Diem allowance rates for each travel request. If an advance for a Per Diem meal allowance is submitted, payment will be made by check to the individual traveling (see section regarding Advances below).

14. In the event that the individual is not on City business for the entire day, the Per Diem allowance will be prorated according to the following formula:

a. Breakfast - 20% of the Per Diem allowance if traveling one (1) hour prior to the normal commute time on a regular workday.

b. Lunch - 30% of the Per Diem allowance if departing or arriving more than 1 hour before

or after their normal lunch break.

c. Dinner - 50% of the Per Diem allowance if traveling 1 hour after the end of normal workday hours.

15. Per Diem shall be issued for days actually spent on City business. For conferences, Per Diem shall be computed for the days of the conference attended and for travel days not to exceed one day before and after the conference.

16. The Per Diem meal allowance will be adjusted for those meals included in the cost of the conferences and seminars. It is not the intent for the City to pay twice for the same meal. In the case of employee travel, it will be the department director's responsibility to monitor the time of departure and arrival to ensure proper payment of meal allowances.

17. Meal Allowance, Local Travel - Employees, City Councilmembers and City officials may request a meal allowance for meals relating to local travel for City business purposes. The meal allowance will be determined according to the following formula:

a. Breakfast - Actual costs not to exceed 20% of the Per Diem allowance if traveling one (1) hour prior to the normal travel time on a regular workday.

b. Lunch - Actual costs not to exceed 30% of the Per Diem allowance if departing or arriving more than 1 hour before or after their normal lunch break.

c. Dinner - Actual costs not to exceed 50% of the Per Diem allowance if traveling 1 hour after the end of normal workday hours.

18. Reimbursement of Other Meal Expenses – Employees, City Councilmembers and City officials who, during the normal course of performing their duties, must provide for meals for representatives of governmental agencies or other non-City officials or non-City employees doing business with or for the City in order to most effectively execute their responsibilities, may, be reimbursed for expenses associated with such meals. City employees who wish to receive reimbursement for such expenses must first obtain authorization from the appropriate department director or Personnel Officer if applicable. No reimbursement will be allowed for alcoholic beverages. Tips not to exceed 20% will be allowed. When requesting reimbursement, documentation must be provided which includes: copy of receipt(s) with description of purchased items; statement of the purpose of meal; a listing identifying all persons partaking of the meals indicating organizations and title.

Expenses submitted for reimbursement by City employees for other meals such as awards luncheons and dinners, retirement luncheons and dinners and meals associated with service club meetings shall not be authorized for reimbursement unless specifically

approved by the Personnel Officer.

19. Telephone, Fax and Internet Access – Telephone, fax and Internet Access expenses may be reimbursed only for the conduct of official business.

C. Claims for Reimbursement

In order to be reimbursed for the allowable travel expenses described above, employees, City Councilmembers and other City officials must submit an approved Travel Reimbursement Claim Form (Attachment 2) to the City's Finance Department. The department directors (or City Manager if applicable) shall review and approve all claims for the reimbursement to employees prior to submittal to the Finance Department. Supporting receipts and invoices, including those for prepaid expenses, must be attached to the reimbursement claim form. The Finance Director at the Finance Director's sole discretion may accept other documentation to support expenditures in lieu of receipts, when receipts are not available. Reimbursement of costs shall be based on the minimum number of days and hours required to transact City business.

D. Advances

Employees, City Councilmembers and other City officials may secure a travel advance based upon estimated travel costs or Per Diem meal rates. Travel advances will include Per Diem for meals, lodging and conference registration charges only. In order to accommodate timely issuance of an advance, the request must be included on the Travel Authorization Form and must be submitted to Finance in a normal Accounts Payable Cycle prior to travel. It is therefore a good rule of thumb to submit requests at least two weeks prior to travel. Special checks for travel advances will not be issued. The actual cash advance will be available on the last business day before departure.

Travel advances are authorized so that personnel do not have to use their own money while on City business. However, all expenses paid from advanced funds (with the exception of the meal Per Diem) must be properly documented by receipts, or other evidence of expenditure, upon completion of the travel.

E. Credit Cards

A City credit card is available through the Finance Department for reservation or advanced payment of acceptable charges related to employee travel. Cards are not to be removed from City Hall. Receipts for all charges on the cards must be submitted to the Finance Department with the reimbursement claim form. The cards may only be used for transactions covered under this policy. Personal use of these cards is strictly prohibited.

Pursuant to the City's Credit Card Policy, City Councilmembers may use credit cards issued

to them for reservation or advanced payment of travel expenses, as well as payment of expenses while traveling. Receipts for all charges on the cards must be submitted to the Finance Department with the reimbursement claim form.

Planning Commissioners must work with the Planning Department's Administrative Assistant in order to make travel reservations or advanced payments using a City credit card.

F. Reconciliation

Upon submission of the reimbursement claim form, the estimated and actual expenses incurred must be reconciled on the Travel Reimbursement Claim Form. If actual costs are greater than the amount advanced, the difference will be paid to the traveler. If the actual costs are less than the amount advanced, the difference must be reimbursed to the City.

The reimbursement claim form shall be submitted to the Finance Department (accompanied by receipts and remittance or requisition) within ten (10) working days after returning to work. In no case shall claims for reimbursement be submitted more than 30 days after travel is completed or in a different fiscal year than the travel occurred.

Furthermore, no new or additional claims for reimbursement shall be paid to an employee until all prior claims have been reconciled.

G. Non-Eligible Travel Expenses

Personal expenses, meaning those not directly related to official City business, are not eligible for reimbursement.

If City-related travel is preceded by or extended because of personal travel, only the portion of a trip that pertains to official City business will be considered an eligible travel expense.

Participation of spouses at appropriate official functions is encouraged by the City; however no reimbursement for spouse's expenses will be made by the City.

No reimbursement to any individual will be provided for travel that does not take place. In the case of pre-booked travel which does not occur, individuals are encouraged to seek credits or reimbursement from the entity with which travel is booked and to do so in a timely manner.

H. Compatibility with Transportation Demand Management (TDM) Program

While travelling for the purpose of conducting City business employees will not be eligible to receive the per-diem cash benefit (as defined in the City's TDM Program) for days that they receive mileage reimbursement or have transportation expenses, including, but not limited to, airfare, bus fare, or taxi fare, paid by the City, unless they can demonstrate that they used an

approved alternative mode of transportation to travel between their residence and the workplace on that day.

I. Exceptions

Exception to this policy can be made only when authorized by the City Manager for employees or authorized by the City Council for non-employees.

J. Pay For Travel Time

Nonexempt (overtime-eligible) employees who are required to travel for work-related purposes during the workday will be paid for such travel time at their regular rate of pay as provided under state and federal wage and hour law. Employees are expected to record work-related travel time on their timesheets in the following circumstances:

1. Travel During Regular Working Hours. If the travel time related to attending required training occurs during normal working hours, then the time is considered to be compensable.
2. Special One-Day, Out-of-Town Travel. Travel time associated with special one-day, out-of-town training is required to be paid for irrespective of the mode of transportation utilized or whether the employee drives or is a passenger. Time that can be excluded from payment is normal home-to-work travel time and time spent eating while traveling.
3. Non-local (Overnight) Travel. If an employee travels overnight on business (for more than one day), the employee must be paid for time spent in traveling (except for meal periods) during his/her normal working hours on non-working days, such as Saturday, as well as on his/her regular working days. Travel time as a passenger on an airplane, train, boat, bus, or automobile outside of these regular working hours is not considered work time, provided however, that any work which an employee is required to perform while traveling shall be considered as hours worked. If an employee is offered public transportation but requests permission to drive his/her car instead, the City shall count as hours worked, the time spent driving the car or the time the employee would have had to count as hours.

Non-exempt employees and their supervisors are encouraged to contact the Personnel Officer to ensure that the employee is paid correctly for travel time.

Overtime exempt employees are paid on a salary basis and do not receive additional pay for travel time falling outside of their work hours.

SEC. 20.5 VEHICLE USE POLICY

It is recognized that City employees and elected or appointed officials may require the use of City vehicles to assist them in conducting official City business. Therefore, a fleet of pool vehicles have been made available for this purpose. The City of Goleta is committed to assisting City personnel in performing their job duties in a safe and efficient manner, and,

therefore, has established a Vehicle Usage Policy and associated procedures for designated employees to follow when using said pool vehicles. For purposes of this policy “pool vehicles” refers to all vehicles owned or controlled by the City.

A. City Responsibilities

1. The City may make available one or more City-owned vehicle(s) for the purpose of transporting designated employees and other authorized personnel from their normal worksite to locations where they will be conducting official City business. Said vehicle(s), once returned to the worksite, will be available for others to use in the same manner.

2. Vehicles will be utilized only for City business by individuals authorized to use such vehicles during the course of their work. An exception to this rule may apply for employees participating in the City’s Transportation Demand Management (TDM) program. Under the terms and conditions of the TDM program, employees who use alternative means of transportation to and from work (such as carpooling, vanpooling, public transit or biking to work) are eligible to use City pool vehicles during their regularly scheduled noon time breaks in order to assist them in obtaining lunch or running personal errands. .

3. Under no circumstances shall the vehicle be driven by any individuals other than authorized City of Goleta employees, elected or appointed officials.

4. The City shall be responsible for the scheduled maintenance and repair of said vehicles, as well as fuel costs. Vehicles will be kept operable and in good working condition by the City. In the event that a vehicle is rendered inoperable during a trip, the City will attempt to provide transport of employees to their destinations.

5. Provision of a vehicle to authorized personnel is at the discretion of the City Manager and should not be viewed as a perk or fringe benefit to which personnel are entitled. The City Manager may suspend or revoke use of the pool vehicle(s) for any reason. Availability of a vehicle to the pool shall be at the City Manager’s discretion.

B. User Responsibility

1. Employees and elected or appointed officials utilizing pool vehicles must possess and maintain a valid California Driver’s License. A copy of said license must be presented annually to the City for verification and record-keeping purposes.

2. Individuals utilizing pool vehicles also must possess and maintain valid proof of insurance in conformance with the minimum coverage levels set by California law. Proof of current, valid insurance must be maintained on file with the City for verification and record-keeping purposes.

California Insurance Code §11580.9 (d) states that “...where two or more policies affording

valid and collectible liability insurance apply to the same motor vehicle in an occurrence out of which a liability loss shall arise, it shall be conclusively presumed that the insurance afforded by that policy in which the motor vehicle is described or rated as an owned vehicle is primary and the insurance afforded by any other policy shall be excess.”

If an accident occurs while an employee, City Councilmember or other City official is operating a City-owned vehicle in the course of conducting City business, the City’s insurance will be the primary insurance as per the requirements of California Insurance Code §11580.9 (d). If an accident occurs while an employee, City Councilmember or other City official is operating a privately-owned vehicle while conducting City business, that individual’s insurance will be the primary insurance as per the requirements of California Insurance Code §11580.9 (d).

3. Individuals using pool vehicles must follow the Pool Car Checkout and Return Procedures as further detailed in this policy. After each use of a pool vehicle, users must return the vehicle to the point of origin at City Hall and the keys to the Receptionist. Under no circumstances shall the keys to said vehicle be kept by an employee after use, or given to any individual other than an employee of the City of Goleta.

4. Pool vehicle users shall be responsible for keeping the interior and exterior of the City vehicle in a clean and orderly condition while it is in their care. Personal belongings, refuse and other items must be removed from the vehicle at the end of each use. The City is not responsible for any personal items left in the vehicle.

5. When a pool vehicle is being shared by two or more individuals, all users must respect and observe the Pool Vehicle Rules of Etiquette described herein:

- a. Adhere to the established time schedule for departure from and return to City Hall. Inform other riders of any deviations to the predetermined schedule.
- b. Use courtesy when making seating arrangements. Be considerate of the comfort of others by making arrangements such as larger passengers in the front and smaller passengers in the back.
- c. Decide on radio use jointly with the other passengers. Volume should be kept at a moderate level at all times.
- d. Avoid having lengthy cell phone conversations while riding in pool vehicles.
- e. Under no circumstances shall the driver of a pool vehicle use a cellular phone without a hands-free device or engage in any texting activities.
- f. Limit the use of perfume or cologne as others may be sensitive to fragrance when

sharing a vehicle.

g. Consult with other passengers on heat/air conditioning settings and whether windows are to be open or closed.

C. Other

1. In order to participate in this Program, participants must sign the Vehicle Usage Policy and Procedures Acknowledgement Form agreeing to defend, indemnify and hold harmless the City, its officers, agents and employees from and against any loss, personal injury, property damage, claims, suits, proceedings (including reasonable attorney's fees), judgments or liabilities arising from negligent or willful acts or omissions of pool vehicle users in connection with the use of the City vehicle for the purpose of business-related travel.

2. Pool Vehicle Users shall not be impaired by or have in their biological system, or be in possession of, alcohol or drugs (whether elicited or unauthorized prescription drugs) while operating a City vehicle. Individuals who are under the care of a physician and have received authorized prescription drugs that impair their ability to safely operate a vehicle shall not be allowed to operate a City vehicle. All of the provisions of the City of Goleta Alcohol and Drug Use Policy shall apply to employees' use of pool vehicles.

3. Smoking is not allowed in City vehicles at any time; therefore, Pool vehicle users shall not smoke while operating or riding in a City vehicle.

4. Pool vehicle users must abide by all rules of traffic safety at all times. Drivers and passengers must wear seat belts. Drivers must maintain the legal speed limit and avoid distracting activities such as talking and texting on cell phones, eating, drinking and engaging in personal grooming. Riders must not distract the driver by engaging in activities such as loud or raucous conversations, lengthy cell phone calls or adjusting the radio volume.

5. If a collision involving a City vehicle occurs, the following protocol must be followed:

a. The accident must be reported immediately to the law enforcement by calling 911.

b. If a City employee was operating the pool vehicle at the time of the collision, the supervisor of the employee must be notified as soon as is possible. If an elected or appointed official was operating the vehicle at the time of the collision, the City Manager must be notified as soon as possible.

c. The driver of the vehicle will be subject to an immediate drug screen, as directed by the Personnel Officer, and must complete an incident report as soon as possible after the

accident.

d. The driver of the vehicle at the time of the collision will also be required to attend Driver Awareness Training provided by the California Joint Powers Insurance Authority.

D. Pool Vehicle Check Out and Return Procedures

1. In order to obtain a pool vehicle for use in conducting official City business, users must first reserve the vehicle in the City Pool Vehicle Reservations Calendar. This should be done with the assistance of the City Hall Receptionist.

2. All reservations must contain the employee's full name and the date and time slot for which the pool vehicle is being reserved, as well as a brief description of the purpose of the trip.

3. Keys for pool vehicles will be kept by the Receptionist. Pool car users will pick up keys from the Receptionist prior to each trip, and return them immediately after the conclusion of each trip.

4. All pool vehicles must be returned with at least half a tank of fuel after each use. Pool vehicles have a gasoline credit card located in the glove box. However, any out-of-pocket expenses incurred in relation to operating the vehicle shall be reimbursed provided that receipts are submitted.

5. Vehicles are made available on a first-come, first-served basis. If scheduling conflicts arise and no other pool cars are available, the reservation first received will be honored. Exceptions may be made if an emergency or sufficiently urgent need for use of the pool car arises. In such an event, the requesting party with the emergency or urgent need will be permitted to check out the pool car.

6. Employees who receive Auto Allowances for the purpose of using their personal vehicles in the conduct of City business will not be eligible to use pool vehicles unless express permission to do so on a limited basis or for an extenuating circumstance is granted by the Personnel Officer.

SEC. 20.6 AUTO ALLOWANCE POLICY

It is recognized that, certain executive level City employees are required to use their personal vehicles to assist them in conducting City business. Additionally, automobile allowances are common executive level perquisites in public and private sectors and may be necessary to recruit and retain high caliber employees. Therefore, the City has established a program whereby designated employees may receive an auto allowance to facilitate their ability to engage in activities such as, but not limited to:

- Attending community events and meetings;
- Responding to emergency operations or incidents and coordinating with public safety officials;
- Conducting off-site inspections and site visits;
- Meeting with elected or appointed officials, customers, stakeholders or representatives from other agencies;
- Attending professional training and development; and
- Meeting other obligations related to officially sanctioned City business; and
- Participating in offsite City-related activities.

The terms, responsibilities, procedures and requirements related to the Auto Allowance Policy follow below.

A. Auto Allowance Eligibility

The following employees, due to either contractual obligations or requirements stated in the adopted Classification Specification for their position, are eligible to receive an Auto Allowance:

1. City Manager, Assistant City Manager
2. City Attorney, Assistant City Attorney
3. Department Directors

B. Employee Responsibilities

Employees receiving an Auto Allowance are required to:

1. Possess and maintain a valid California Driver's License. A copy of said license must be presented annually to the City's Human Resources Division for verification and record-keeping purposes.
2. Possess and maintain valid proof of insurance in conformance with the minimum coverage levels set by California law. Proof of current, valid insurance must be maintained on file with the City's Human Resources Division for verification and record-keeping purposes.

3. If an accident occurs while an employee is operating a privately-owned vehicle while conducting City business, that individual's insurance will be the primary insurance as per the requirements of California Insurance Code §11580.9 (d).

C. City Responsibilities

1. The City is not responsible for any costs of operation, repair, damage, or payment of insurance deductibles for the employee's vehicle.

2. Fixed rate monthly auto allowances are considered reportable income and are subject to federal and state laws. Therefore, the City will report the Auto Allowance as income to the IRS and the California State Franchise Tax Board.

3. Auto allowances are not considered reportable income under the CalPERS retirement system. Therefore, the City will not report the Auto Allowance to CalPERS.

4. The driving record of all employees who drive their personal vehicles in performing their duties on behalf of the City will be monitored on an annual basis using the California Department of Motor Vehicles' Employer Pull Notice Program.

D. Authorization

1. The City Council shall have the authority to grant an Auto Allowance to the City Manager and the City Attorney as a provision of the employment contracts for these positions.

2. The City Manager shall have the authority to grant Auto Allowances to Department Directors at the time of their appointment as a part of their total compensation package.

E. Allowance Level

Auto Allowance rates paid to authorized employees shall be adopted as part of the City's Two-Year Budget Plan and reflected in the Funded Positions Compensation Plan Schedule. Adjustments to these rates are at the discretion of the City Council.

F. Authorized Transportation Expenses

Recipients of the Auto Allowance shall be eligible to receive reimbursement for the following transportation expenses in addition to the allowance:

1. Parking fee reimbursement;

2. Reimbursement for mileage or other transportation expenses for non-local travel, which is defined in the City of Goleta Travel Policy as travel beyond a distance of 100 miles from

the City of Goleta or the traveler's residence and which requires at least one overnight absence.

3. In order to be reimbursed for the allowable transportation expenses described above, employees receiving an Auto Allowance must follow all terms and conditions of the City of Goleta Travel Policy and must submit an approved Travel Reimbursement Claim Form to the City's Finance Department. Supporting receipts and invoices, including those for prepaid transportation expenses, must be attached to the reimbursement claim form. The Finance Director at the Finance Director's sole discretion may accept other documentation to support expenditures in lieu of receipts, when receipts are not available.

G. Conformance with the Transportation Demand Management Program

Per the terms of the City of Goleta Transportation Demand Management (TDM) program, employees who receive an Auto Allowance are not eligible to receive the TDM per diem cash benefit.