

Personnel Rules and Regulations

City of Ontario

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RULE I. DEFINITION OF TERMS

SECTION 1. ADVANCEMENT

The incremental increase granted to an employee within a pay range after a satisfactory period of service.

SECTION 2. ALLOCATION

The grouping of all positions having duties and responsibilities of a similar nature into the same class.

SECTION 3. APPOINTMENT

The act of filling a vacant position with an individual who has met the qualifications for that position.

SECTION 4. APPOINTING AUTHORITY

The officer of the city who has the authority to make an appointment to a position, subject to the approval of the City Manager.

SECTION 5. CLASS

A group of positions with duties, responsibilities, and functions so similar in nature that they can be given the same title, pay, and promotional opportunities. In addition, the same tests, experience, ability, and standards can be applied equally to all persons in this class.

SECTION 6. DEMOTION

The movement of an employee from one class to another class having a lower maximum rate of pay.

SECTION 7. ELIGIBLE

Any individual who has successfully passed a competitive examination or interview and who has his/her name placed on an eligible list.

SECTION 8. ELIGIBLE LIST

A list of eligible applicants for a position ranked according to the score they received on a competitive examination.

SECTION 9. EMERGENCY

A circumstance requiring immediate action; a sudden, unexpected happening; an unforeseen occurrence or condition.

SECTION 10. EMPLOYEE

- A. Permanent. Any employee who has successfully completed a probationary period in a specific classification and is retained in that classification in accordance with these Rules and Regulations.
- B. Probationary. Any employee appointed to fill a permanent position, but who has not completed the trial or probation period.
- C. Provisional. A person possessing only minimum qualifications who is appointed to a position because no others have applied. Such appointment must be reviewed by the Personnel Office at the end of a six-month period.
- D. Part-Time. An employee working a fraction of the normal work day and whose hours may be regular or irregular. No employee benefits will accrue to part-time employees working less than twenty hours per week.
- E. Temporary. A person employed to meet a short-term need of the City. An employee cannot remain in this category over six months without the express approval of the Personnel Officer.

SECTION 11. EMPLOYMENT LIST

Any eligible, promotional, or reemployment list maintained by the City.

SECTION 12. EXAMINATION

- A. Assembled. A test or tests conducted at a specified time and place at which applicants are required to appear for competitive examination under the supervision of an examiner.
- B. Unassembled. A test or tests consisting of an appraisal of training, experience, work history, and any other data that may be relevant in evaluating the relative qualifications of applicants.
- C. Promotional. A test or tests given only to City employees to establish an eligibility list for a vacant position.
- D. Open Competition. A test or tests given to all qualified applicants after a suitable period of advertising to establish an eligible list for a vacant position or any future

vacancies that may occur.

SECTION 13. HOLIDAY PAY

Pay received by those employees who work on a legal holiday.

SECTION 14. IMMEDIATE FAMILY

Is defined as spouse, children, parents, brother, sister, grandfather, grandmother, and the employee's mother-in-law and father-in-law.

SECTION 15. PERSONNEL OFFICER

The City Manager or anyone he may appoint to act in his behalf.

SECTION 16. PROBATIONARY PERIOD

A test period in which the employee is required to demonstrate the capability to fulfill duties and demonstrate the ability to establish effective working relationships with fellow employees.

SECTION 17. PROMOTION

The movement from one class to another class having a higher maximum rate of pay. Such movement requires a new probationary period.

SECTION 18. PUBLIC SAFETY EMPLOYEES

All uniformed or sworn personnel of the City who are classified as safety members in the Public Employee's Retirement System.

SECTION 19. REINSTATEMENT

The restoration of an employee to a previous position after layoff, sick leave, suspension, or resignation.

SECTION 20. SALARY ADJUSTMENT

An adjustment in salary as a result of a wage and benefit study, classification study, etc.

SECTION 21. SENIORITY

The length of full-time continuous service with the City and then in a classification covered by a Memorandum of Understanding with an employee organization.

SECTION 22. SPECIAL ADJUSTMENT

A temporary increase in pay as a result of performing additional duties not normally required of an employee's classification. A Special Adjustment requires the approval of the Department/Agency head and the Personnel Director.

SECTION 23. SUSPENSION

The temporary removal from duty of an individual, with or without pay, for disciplinary reasons.

SECTION 24. TERMINATION

The leaving of City service by an employee due to death, discharge, layoff, resignation, retirement, or work completion.

SECTION 25. TRANSFER

The movement of an individual from one department to another while remaining in the same class with similar duties and responsibilities.

SECTION 26. UNIT

A grouping of classifications in accordance with Rule XXIV Section 1 (J), which may be represented by an employee organization/union on a formal or informal basis. The specific Unit grouping and its representative is found in Appendix A.

RULE II. GENERAL PROVISIONS

SECTION 1. FAIR EMPLOYMENT

No question in any test, application form, interview, or other personnel proceeding shall be so framed as to attempt to elicit information concerning race, color, ancestry, national origin, religious or political opinion or affiliation. Any appointment to or removal from city service shall not be affected by race, color, ancestry, national origin, political or religious beliefs. Neither the city nor any employee organization shall discriminate in any way against any city employee or applicant for city employment because of race, age, color, creed, religion, sex, national origin, or handicap. (See Appendix G for Affirmative Action Plan)

SECTION 2. VIOLATION OF RULES

Any violation of these rules shall be sufficient grounds for rejection, discharge, suspension or other disciplinary action as the Personnel Officer may consider appropriate.

SECTION 3. AMENDMENT OF RULES

These rules may be amended by the City Council in the manner prescribed for the amendment of other resolutions.

SECTION 4. EMPLOYEE RESPONSIBILITY

It shall be the responsibility of each employee to insure that personal information on the employee's personnel record is kept current.

SECTION 5. SENIORITY

Seniority shall be determined by the length of continuous full-time service within the city and then in a classification covered by a Memorandum of Understanding with an employee organization.

Seniority provisions in the Police Department shall be applicable only to those sworn personnel who have completed their probationary period.

Seniority shall be given serious consideration in shift assignment, days off, and choice of vacation days, if in the opinion of the administrative staff all other things are relatively equal.

Seniority shall be terminated by:

- A. Resignation
- B. Discharge for cause
- C. Retirement
- D. Failure to return to work from lay-off within seven (7) calendar days after notice to return by certified or registered mail or by telegram addressed to the employee and sent to the employee's last known address on file with the Personnel Department.
- E. Absence from work for three (3) consecutive working days without notifying the city, except when the failure to notify and work is due to circumstances beyond the control of the employee. After such unexcused absence, the city shall send written notice to the employee at the employee's last known address stating the loss of seniority and termination of the employee's employment with the city.

SECTION 6. CONSISTENCY OF RULES

The management staff will consult with a committee established by the appropriate employee organization to review work rules to insure that all employees receive fair and equitable treatment.

RULE III. CLASSIFICATION

SECTION 1. PREPARATION OF PLAN

The Personnel Officer or designee shall determine and set forth the duties and responsibilities of each position in the city service. All positions which are substantially similar in function according to the class specifications shall be placed in the same class.

SECTION 2. REVISION AND REALLOCATION

The initial classes established in the classification plan may be amended, combined, or abolished and new classes set up by the Personnel Officer in accordance with these rules and regulations. In addition, any position may be reallocated to a different class and responsibilities of the position or for other sufficient causes. Any reclassification to a higher classification shall result in at least one incremental increase in salary.

The city will maintain a program of continual review of all job classifications making necessary revisions and reclassifications based on the findings.

The job description and classification for each position shall continue in effect unless and until:

- A. the job content is substantially altered as to the requirements for training, skill, responsibility, effort and working conditions, or
- B. the position is terminated

* (Unit 6 - Miscellaneous Services)

- C. the classification will not be assigned to a different unit without reasonable notice.

SECTION 3. NEW POSITIONS

Any new position that is established must be in accordance with these rules and regulations and allocated to a particular class before it can be filled.

SECTION 4. NEW OR CHANGED CLASSIFICATIONS

When an existing position is substantially altered, the existing classification shall be processed in accordance with the following procedures:

- A. The Personnel Department shall perform an evaluation of the position, develop a description, and assign the appropriate classification.
- B. Job descriptions shall reflect the general details considered necessary to describe the principal functions or the job being described and shall not be construed as a detailed description of all the work requirements that may be inherent in the job.

* (Unit 6 - Miscellaneous Services)

- C. The proposed job description, classification and wage rate for the proposed classification will be submitted to the Union.

SECTION 5. RECORDS

The Personnel Officer or designee shall maintain complete and accurate records showing the classes that have been established, the detailed specifications for each class, and the allocation of positions to classes.

SECTION 6. MISUSE OF CLASSIFICATION

Reclassification or reallocation of positions to classes shall not be used for the purpose of avoiding restrictions surrounding demotions or promotions.

SECTION 7. CLASSIFICATION REVIEW

* (Unit 5 - Technical/Professional Services, Unit 6 - Miscellaneous Services)

An employee may request a classification review of his/her position. Such request will be forwarded through the line of supervision on the appropriate form to the Personnel Director.

An employee shall not submit such a subsequent request prior to eighteen (18) months after completion of any previous classification review, unless the employee's position has undergone a considerable change in duties and responsibilities.

The employee shall be notified in writing of the classification review decision.

SECTION 8. CLASSIFICATION REVIEW APPEAL

* (Unit 5 - Technical/Professional Services, Unit 6 - Miscellaneous Services)

An employee may appeal the decision of a classification review no later than ten (10) working days after such results have been provided to the employee. Such

an appeal shall be filed with the Personnel Office. Such an appeal shall include a detailed statement by the employee indicating his/her reasons for disagreement with the classification review decision.

A designated individual in the Personnel Office shall hold a meeting with the employee no later than fourteen (14) working days after the classification review appeal filing. The designated individual shall not be the same person who conducted the initial classification review. This individual shall respond in writing to the employee no later than twenty-one (21) working days after the meeting with the employee.

If the employee is not satisfied with the decision from Personnel the employee may appeal the decision to the City Manager within ten (10) working days from Personnel's response. The City Manager shall review and respond to the appeal within ten (10) working days of such appeal. The City Manager's response shall be final.

Provisions within this section shall not be subject to the grievance procedures.

RULE IV. COMPENSATION

SECTION 1. PREPARATION OF PAY PLAN

The pay plan shall be prepared to cover all classes and positions within the City service. In determining the pay rates for the different classes, consideration shall be given to the City's financial condition, current costs of living, prevailing rates of pay for comparable work in public and private agencies, working conditions, fringe benefits, and any other relevant factors.

SECTION 2. ADOPTION OF PLAN

The pay plan shall be adopted and may be amended whenever necessary by action of the City Council. At the time of consideration, any interested party may appear and be heard. Amendments and revisions of the plan may be suggested to the City Council by any interested party and shall be submitted to the City Council through the City Manager.

SECTION 3. PAYROLL PERIODS

The City shall pay its employees every other Friday.

- A. Pay periods will be Sunday through Saturday. Sundays and Saturdays should be treated the same as before if they had fallen on the 1st and 16th or 15th and 31st.
- B. Daily time cards will be turned in to Finance the day following the work day. Pay period time cards will be due on July 13 and every other Monday thereafter.

SECTION 4. SKILL COMPENSATION

The following assignments are not considered permanent positions and are not a separate classification. These assignments are not subject to personnel selection procedures, appeals, or seniority as are permanent positions. Assignments are at the discretion of the Agency/Department head as provided, and are not a property right.

- A. **Bilingual Assignment**

- * (Unit 5 - Technical/Professional Services, Unit 6 - Miscellaneous Services)

Employees in positions designated by the department head which require employees, as a condition of employment, to perform bilingual translation

as a part of their regular duties, shall be entitled to bilingual differential pay. Such differential shall apply regardless of the total time required per day for such translation.

Such differential shall be twenty-five dollars (\$25.00) per pay period. Employees in such positions must be certified as competent in translation skills by the Personnel Department to be eligible for compensation.

- * (Unit 4 - Police, Unit 7 - Police Management/Sergeants only)

Positions in the Police Department which are determined to require bilingual abilities will be paid additional compensation. Each full-time employee who meets the eligibility requirements and designated by the Police Chief and Personnel to receive bilingual pay shall be compensated at the rate of \$25 per pay period actually worked. Employees receiving bilingual pay must be certified through a proficiency test in bilingual abilities and currently assigned to the designated position. Eligibility will be determined as follows:

1. The Police Chief shall designate which employees should be assigned bilingual duties and which languages shall be eligible for bilingual pay.
2. The Personnel Department shall conduct a test of competency for employees whose positions have been assigned bilingual duties to certify these employees eligible for bilingual pay.
3. Competency will be determined by measuring the employee's fluency in Spanish as well as the ability to communicate in job-related situations.

B. Matron Duty

- * (Unit 6 - Miscellaneous Services)

Police Records Clerks who are assigned and actually perform Matron Duty for a shift shall be eligible for additional pay at the rate of 1 1/2 of the employees' base salary per shift.

C. Paramedic Duty Assignment

- * (Unit 2 - Fire)

Firefighter and Fire Engineer positions assigned to paramedic duty will receive additional compensation which shall be the amount of the difference between Step E of the Fire Engineer classification and the amount representing 12% (24 pay ranges) above Step E of the Fire Engineer

classification except for probationary personnel who will receive 6% (12 pay ranges) until such time that they pass probation.

Fire Captain positions assigned to paramedic duty will receive a flat amount of \$465 per month or the amount calculated for the Firefighter and Fire Engineer positions, whichever is greater.

D. Bomb Squad Assignment

* (Unit 2 - Fire)

Firefighter and Fire Engineer positions assigned to the Bomb Squad Unit will receive additional compensation which shall be the amount of the difference between Step E of the Fire Engineer classification and the amount representing 5% (10 pay ranges) above Step E of the Fire Engineer classification.

Fire Captain positions assigned to the Bomb Squad Unit will receive a flat amount of \$179 per month or the amount calculated for the Firefighter and Fire Engineer positions, whichever is greater.

E. Hazardous Materials Assignment

* (Unit 2 - Fire)

Firefighter and Fire Engineer positions assigned to the Hazardous Materials Unit will receive additional compensation which shall be the amount of the difference between Step E of the Fire Engineer classification and the amount representing 5% (10 pay ranges) above Step E of the Fire Engineer classification.

Fire Captain positions assigned to the Hazardous Materials Unit will receive a flat amount of \$179 per month or the amount calculated for the Firefighter and Fire Engineer positions, whichever is greater.

SECTION 5. CALL BACK/RECALL

Each time a non-safety employee who is not on standby duty is called away from home on emergency that employee shall be entitled to at least two hours pay or compensatory time. Any such call time over the 40 hour week is paid at the rate of time and one-half (1 1/2) for employees not on standby.

The full amount of time is computed to the nearest full hour. If the employee works under thirty minutes, the time is discounted but if the employee works over thirty minutes, the time payment is received for the full hour.

* (Unit 2 - Fire)

Off-duty employees who are recalled to a work site to perform recall work, regular or emergency, necessary to maintain staffing levels, or in response to a special detail assignment, such as fire investigation, will be granted a minimum of two (2) hours of recall work.

Recall work is defined as either "regular recall work" which is initiated for the purpose of maintaining staffing levels or "emergency recall work" which is initiated when it is deemed necessary or advisable to properly cope with an emergency incident(s).

Special detail work is defined as work performed by an assigned employee during off duty hours (i.e. special fire safety standby assignment, fire investigative response, or Oral Board member service.), other than for designated incentive or skill pay as designated in Rule IV, Section 4.

An employee on a twenty-four (24) hour shift schedule involved in recall or special detail work will be paid straight time at the regular rate of pay, unless the employee has worked more than 182 hours in the twenty-four (24) day work period at which time the employee will be paid at time and one-half (1 1/2) for all hours worked in excess of 182 hours at the regular rate of pay. An employee on a forty (40) hour work week schedule will be paid at time and one-half (1 1/2) for all hours worked in excess of the forty (40) hours in the work period as defined in the relevant overtime section. Travel time to work and returning home will not be counted as work time.

SECTION 6. MEALS DURING EMERGENCY WORK SITUATIONS

*** (Unit 6 - Miscellaneous Services)**

During emergency overtime situations which extend over a period of four hours, the City will make every effort to allow time for the meals. If the emergency conditions or the location of the work site prevent the employees from leaving the work site for an adequate period of time, then meals will be provided for the employees at City expense.

SECTION 7. STANDBY COMPENSATION

*** (Unit 2 - Fire)**

Employees required to standby for court time will be compensated in accordance with the following conditions and requirements.

- A. Court Standby Time is time spent in the standby status, exclusive of the designated meal break when court adjourns for lunch.
- B. Employees placed on Court Standby Time during their off-duty time who are so restricted as to exclude their ability to leave home or the court's vicinity, will

be granted a minimum of two (2) hours Court Time. If the employee is placed on Court Standby Time on the day they are scheduled to return to duty, the guaranteed minimum time will apply only if there is at least a two (2) hour period between the time indicated on the subpoena and the time the person is required to report for duty.

- C. Court Time is defined as work time required of an employee attending court in response to a subpoena, a coroner's inquest, or a hearing or trial in a civil or criminal case at a time other than the employee's assigned work shift schedule for the purpose of testifying as to knowledge acquired or claimed to have been acquired by such employee in the course of employment with the City. Verification documentation by the court will be required as certification of service.
- D. Employees placed on Court Standby Time during their off-duty time are required to be accessible by telephone, or other methods approved by management during the designated standby time.

* (Unit 4 - Police)

- A. For each subpoena received requiring an employee to standby at home for possible court appearance, but not requiring actual court appearances, the employee shall be entitled to accrue a flat two (2) hours of compensatory time except as modified by Item C below.
- B. If the employee, on morning session standby, is not excused and is notified of a requirement for afternoon session standby, the employee shall be entitled to an additional two (2 hours) of compensatory time for the afternoon session except as modified by Item C below. In order to be eligible to receive the compensatory time for the afternoon session standby, it will be necessary for the employee to provide his supervisor with the name of the deputy district attorney requiring the afternoon standby.
- C. If an employee has been on standby notice and subsequently is required to appear in court, the employee shall be entitled to receive only the pay for court appearance as provided under current policy for court appearance.
- D. The City will provide the employee with the opportunity to utilize the accrued compensatory time within ninety (90) days of accumulation of each eight (8) hour block of compensatory time.
- E. Every effort will be made to allow the compensatory time to be utilized in conjunction with the employee's regularly scheduled days off.
- F. All usage of compensatory time shall continue to be made in accordance with the applicable provisions of the Personnel Rules and Regulations and the Administrative Manual.

* (Unit 5 - Technical/Professional Services)

- A. For each subpoena received requiring an employee to standby at home for possible court appearance, but not requiring actual court appearances, the employee shall be entitled to accrue a flat two (2) hours of compensatory time except as modified by item C below.
- B. If the employee, on morning session standby, is not excused and is notified of a requirement for afternoon session standby, the employee shall be entitled to an additional two (2) hours of compensatory time for the afternoon session except as modified by item C below. In order to be eligible to receive the compensatory time for the afternoon session standby, it will be necessary for the employee to provide his supervisor with the name of the attorney requiring the afternoon standby.
- C. If an employee has been on standby notice and subsequently is required to appear in court, the employee shall be entitled to receive only the pay for court appearance as provided under current policy for court appearance.
- D. Every effort will be made to allow the compensatory time to be utilized in conjunction with the employee's regularly scheduled days off.
- E. All usage of compensatory time shall continue to be made in accordance with the applicable provisions of the Personnel Rules and Regulations and the Administrative Manual.

* (Unit 6 - Miscellaneous Services)

- A.
 - 1. Standby duty assignments shall be rotated annually among employees qualified to perform such duties.
 - 2. Any person in a classification in pay range of Public Service Technician II or below, who in the opinion of the department head has sufficient knowledge to perform related duties is eligible to participate in the standby program provided they are qualified to do so.
 - 3. The determination as to an employee's qualifications shall be made by the department head or authorized representative.
 - 4. Employees on actual standby duty are required to respond to call-outs within a reasonable period of time, depending on the nature of any particular call-out problem. In order to assure a reasonable response time, employees on actual standby duty are required to either carry a City-provided "beeper" or leave word with the Police Department Watch Commander where they can be reached by telephone when not at their place of residence.

Habitual failure to respond to call-out situations within a reasonable period of time, as determined by supervisory personnel, shall constitute grounds for disqualification from the standby program.

5. From those employees determined to be qualified and by seniority, a list of those employees qualified to perform standby duty shall be established. Those employees currently on the standby assignment shall be placed at the bottom of the list in accordance with their seniority, but behind less senior employees not on standby duty.
 6. By seniority, each employee on the list shall have the opportunity to accept or decline standby duty. In the event the senior employees at the top of the list decline the standby assignment, their names shall be placed at the bottom of the list and the next senior employee shall be given the opportunity to accept or decline the assignment. This process shall be repeated until four (4) individuals have accepted the assignment.
 7. In the event no employee on the list accepts the assignment, the department head, or authorized representative, may appoint employees on the list in order of the least senior individual first; or, an individual not eligible to be on the list, but determined to be qualified by the department head, may be appointed.
 8. The individuals selected to serve on standby duty through the processes set forth above shall continue in the assignment for a period not to exceed one (1) calendar year; unless such individuals are reselected utilizing the procedures set forth above.
 9. See Rule XIX Residence for additional conditions.
- B. When four (4) individuals have been selected, their order in the weekly standby rotation shall be determined by "luck of the draw."
- C. 1. In the event an individual serving in a standby capacity is unable to complete the one (1) year duty assignment the individual's name will be placed at the bottom of the list; the individual selected to replace that person will serve in the standby capacity for the remainder of the annual standby assignment period.
- (a) An individual selected from the top of the list to complete seven (7) or more months of an annual standby assignment, will be placed at the bottom of the list upon completion of the annual standby assignment period.
 - (b) An individual selected from the top of the list to complete five

(5) or less months of an annual standby assignment will remain at the top of the list and will be eligible for a full one (1) year standby assignment.

- D.
1. Any employee, who is directed or required to work standby, shall receive an equivalent of one salary range increase.
 2. Any employee who is called back to work who is on standby, shall be paid at one-and-one-half (1 1/2) times the employee's normal hourly rate.
 3. Any employee who is not on standby and is called back to work, will be guaranteed a minimum of two (2) hours pay at the time-and-one-half rate.

SECTION 8. OVERTIME COMPENSATION/NON-MANAGEMENT EMPLOYEES

The City reserves the right to schedule overtime work as required in a manner most advantageous to the City and consistent with the public interest and the requirement of municipal employment.

A. ASSIGNMENT OF OVERTIME

* (Unit 2 - Fire)

Vacation Relief Overtime

All employees are subject to Vacation Relief Overtime and to mandatory recall to provide staffing levels in accord with Fire Department overtime policies and procedures.

Assigned Overtime Vacation Relief

Assignment of overtime for vacation relief shall be in accord with Fire Department overtime policies and procedures.

Assignment of Overtime Staffing Shortages

Assignment of overtime for staffing shortages or for any other unpredictable vacancy shall be from the Overtime Recall List as directed by Fire Department overtime policies and procedures.

Emergency Recall

Emergency Recall will be in accordance with Fire Department Recall Policies and Procedures.

* (Unit 6 - Miscellaneous Services)

1. This section is applicable to overtime scheduled in advance and to emergency overtime as required to supplement employees on "standby" duty. It is understood that overtime assignments are made by classification within the department requiring the overtime.
2. The City reserves the right to schedule overtime work as required in a manner most advantageous to the City and consistent with the public interest and the requirements of municipal employment. The City further reserves the right to determine appropriate classification for overtime assignment, those qualified for assignment, and the ability to utilize employees within appropriate classifications from departments other than those requiring the overtime.
3. In the circumstances described in paragraph 1, overtime will be divided as equally as possible between all qualified employees within the affected classification and among those desiring to do the work.
4. In order to assure equal distribution of overtime, an overtime list will be established by classification within a department according to seniority. Annually the senior employee will be given the first opportunity for an overtime assignment. After the completion of an overtime assignment the senior employee will move to the bottom of the list and not be offered an overtime assignment until each employee in the affected classification has been offered an overtime assignment.
5. In the interest of effective and efficient operation of the City it is understood that it may be necessary to make exceptions to the rotation policy; however, it shall be the intent that each employee will have the opportunity to accept an amount of overtime work during the course of the fiscal year relatively equal in time to that accepted by other employees within the same classification and department.
6. As an example of an exception to the rotation policy, each employee on standby duty will be given a list of eligible employees available for emergency assistance. Each standby employee's list will vary to some extent providing the opportunity for each qualified employee to be available for emergency overtime depending upon which standby man is on duty. Because of the emergency nature of the work the standby employee shall be allowed to select anyone including other standby employees when the requirement for assistance extends beyond the availability of appropriate employees on the list.
7. In the event no employee is willing to accept an overtime assignment, it will be assigned by reverse order of seniority within a classification. In subsequent cases of unaccepted overtime, the next lowest

employee in seniority within the classification will be given the assignment with the intent being to divide equally all unaccepted overtime among affected employees.

B. OVERTIME RATE AND METHOD OF COMPENSATION AND ELIGIBILITY

1. Method of Compensation

Those employees eligible to receive overtime compensation may receive pay or may elect to receive compensatory time at a rate equivalent to overtime pay.

Compensatory time accruals will be restricted to no more than sixty (60) comp time hours (40 hours worked at time-and-one-half equals sixty (60) comp time hours).

* (Unit 2 - Fire)

(a) Compensatory Time may not be accrued for time worked.

(b) Non-shift safety personnel who receive credit of one hundred ninety three (193) hours per year, due to the past work week reduction of shift personnel, may use a maximum of forty (40) hours per year in the form of compensatory time off. The balance, or, the full one hundred ninety three (193) hours, will be paid out once a year in a lump sum at the employee's regular rate of pay at the rate earned.

(c) Any employee who changes classifications and who has accumulated any hours of Compensatory Time shall be paid for all such accumulated hours at the employee's regular rate of pay in effect for the former classification when such hours were incurred prior to such classification change.

2. Rate of Compensation

Overtime shall be paid at one-and-one-half (1 1/2) times the normal hourly rate.

* (Unit 2 - Fire)

24 hour work shift schedule employees whose work time exceeds 182 hours in the twenty-four (24) day work period shall be paid at one and one-half (1 1/2) times the employee's regular rate of pay for all hours in excess of 182 hours in the work period as defined in Rule XXVI, Section 1.

40 hour work week schedule employees whose work time exceeds forty (40) hours in the seven (7) day work period shall be paid at one and one-half (1 1/2) times the employee's regular rate of pay for all hours worked in excess of forty (40) hours in the work period as defined in Rule XXVI, Section 1.

All time worked which is beyond the employee work schedule, which is less than one (1) hour increments in a work shift, shall be compensated for in the following manner:

<u>TIME</u>	<u>WORK TIME</u>
0-10 minutes	-0-
11-20 minutes	1/4 hour
21-30 minutes	1/2 hour
31-50 minutes	3/4 hour
51-60 minutes	1 hour

- * (Unit 4 - Police)

Overtime compensation shall be paid for all time worked or deemed to have been worked (including all paid leaves of absences) in excess of the employee's regularly scheduled daily shift or 40 hours per week.

- * (Unit 5 - Technical/Professional Services, Unit 6 - Miscellaneous Services)

Overtime will be paid for over 40 hours in any one week or over the regularly scheduled hours within the day.

3. Eligibility for Compensation

- * Unit 6 - Miscellaneous Services)

Those employees in the Street and Public Utilities Divisions are not entitled to overtime pay if they are called out or asked to work an extended day due to an emergency if it is their turn in the rotation for standby duty. Those employees who are not in their week of standby duty shall be given the same consideration as other employees in regard to overtime.

Management level employees shall not work regularly scheduled shifts to avoid the payment of overtime when a qualified employee is available to work. Management employees are not eligible for the provisions of this article.

SECTION 9. OVERTIME COMPENSATION/MANAGEMENT EMPLOYEES

A. SPECIFIED PROVISIONS

This overtime provision is intended to provide a fair and equitable method of handling compensation for substantial time required to meet the requirements of holidays, attention to duties outside the normal work schedule and such other needs approved or authorized for such entitlement by the City Manager.

Overtime for management personnel is defined as straight time compensation at the employee's regular hourly rate, unless otherwise stated. Such overtime, as defined in above paragraph may be compensated in cash or compensatory time, as determined by the Department Head, or identified in the following provisions.

For the purpose of administering this section, management personnel are considered to fall within the following categories by class:

1. Administrative Management:

Accounting Manager	Parks Director
Assistant Library Director	Purch/Cntrl Svcs Mgr.
Building Official	Recreation Director
City Engineer	Revenue Manager
City Planner	Risk Mgmt/Safety Off.
Deputy/Comm. Eco. Dev. Dir	Solid Waste Supt.
Equipment Fleet Supt	Street Maint. Supt.
Info/Telecom System Manager	Traffic Engineer
Museum Director	Utilities Supt.

Employees in this group may earn, accrue and use compensatory time and avail themselves of administrative leave as set forth in Article XV.

2. **Supervisory Management:** All classifications covered by Unit 3 - Management Group with the exception of the classifications considered "Administrative Management." Employees in this group may earn, accrue, and use compensatory time and administrative leave the same as "Administrative Management" and may, in addition, earn overtime.

Overtime pay as means of compensation shall be limited to Supervisory Management. It shall not be encouraged by department/agency heads and is limited to those situations in undesirable effect upon the effectiveness and/or efficiency of the department's operation. Overtime pay at the employee's regular straight time hourly rate may be granted under special, unusual, or emergency situations. Each request for overtime pay will stand on its own merit and will require the written justification of the department

and/or agency head and the specific approval of the City Manager.

Police Management: All classifications covered by Unit 7 - Police Management Group.

1. Police Lieutenants and Sergeants may be granted overtime for all emergency situations which may arise and involve a callout situation which would be in addition to a regularly scheduled tour of duty.
2. Police Lieutenants and Sergeants may be granted overtime for all court time required by official subpoena.
3. Police Lieutenants and Police Sergeants will receive premium overtime compensation, at the rate of one and one-half (1 1/2) times the employee's base compensation, in cash or compensatory time off, at the option of the employee, for all time worked in excess of forty (40) hours per week that is currently being paid at straight time, and is not being compensated by the Compensatory Time Dollar Bank provided in the following section under Unit 7 - Police Management 3 (e).

Overtime pay as means of compensation shall be limited and not encouraged by department/agency heads and is limited to those situations in which compensatory time or administrative leave is not practical and/or would have an undesirable effect upon the effectiveness and/or efficiency of the department's operation.

Overtime pay at the employee's regular straight time hourly rate may be granted under special, unusual, or emergency situations. Each request for overtime pay will stand on its own merit and will require the written justification of the department head and the specific approval of the City Manager.

B. COMPENSATORY TIME

Compensatory time is defined as time off work provided to an employee in lieu of overtime pay and is time that may be accrued.

Compensatory time may only be earned by unusual work situations requiring substantial attention to duties outside the normal work schedule as may be approved for such entitlement by the City Manager as the result of unusual or special work conditions.

This provision is intended to provide a fair and equitable method of handling compensation for substantial time required to meet emergency an/or storm responses, unusual scheduling required to meet the requirements of holidays,

and such other needs approved or authorized by the City Manager.

1. Employees will use compensatory time within the fiscal year in which it is earned. However, an employee may retain a balance of unused compensatory time to the amount of forty (40) hours per year.
2. Upon termination or retirement from the City, the employee will receive credit for any unused compensatory time that has been accrued.
3. The earning and accrual of compensatory time requires the approval of the Department/Agency Head.
4. Compensatory time shall not be provided for the following situations:
 - A. Meetings of the City Council or any City Commission requiring attendance. Such meetings are considered a part of the normal duties of the position.
 - B. Attending meetings such as professional association meetings or speaking engagements.
 - C. Working time beyond the normal work day necessary for efficient and effective departmental operations or for the purpose of maintaining good public relations. Any such time shall be considered a part of the normal duties of the position.
5. Any compensatory time accrued during a work week period may be offset by adjustment in subsequent working hours the following week.

* (Unit 7 - Police Management)

1. Compensatory time may be earned for attendance at special meetings of the City Council and City commissions except when such meetings are a) held in lieu of regularly scheduled meeting, or b) when such meetings are called and/or scheduled as part of the annual budget review process.
2. Police Lieutenants and Sergeants may earn compensatory time for staff meetings convened by the Chief of Police or Bureau Commander after their normal work hours for the purpose of furthering efficient administration of the Police Department.
3. Compensatory time may also be earned for required attendance at meetings, special and/or unusual work situations with the following exclusions:
 - (a) Bureau Captains: Monthly weekend Administrative Officer duty

assignments, including an approximate two-hour inspection tour of the department and City when possible.

- (b) Uniform/Administrative Bureau Lieutenants and Sergeants: Shift preparation time or periodic hourly shift relief time where they are reasonable and necessary in order to properly administer and organize the efficient operation of the respective shift as well as significant periods of time spent at the conclusion of a tour of duty which becomes necessary to properly supervise or administer police activities.
- (c) Service Bureau Sergeants: Meetings after normal working hours.
- (d) Investigations Bureau Sergeants: Significant periods of time spent at the conclusion of tour of duty which becomes necessary to properly supervise or administer police activities as well as any weekend or holiday call of an advisory nature.
- (e) Compensation for categories a through d will be made via a yearly dollar-bank established by using Step E (hourly rate of a Sergeant's pay scale times sixteen (16) Sergeants (nineteen (19) Sergeants effective 7/1/91) times ten (10) hours times twelve (12) months. The dollar-bank monies will then be paid out once per year to each staff member equally on the second payroll period in June.

In all instances of compensatory time, administrative leave and/or overtime, the first and foremost consideration in the administration of this policy shall be the effective and efficient operation of the City Government and its respective departments as well as the specific departmental operations that may be affected.

The City Manager may, under rare circumstances, and upon the specific written justification and recommendation of the Department Head or Agency Head, grant exceptions to this policy.

C. APPLICATION FOR COMPENSATORY TIME LEAVE

- 1. Application shall be made through normal channels and shall be governed by the procedures set forth in Section 9.
- 2. Compensatory time should be applied for when a leave of extended duration is desired such as an absence in excess of two successive working days.

SECTION 10. COURT APPEARANCES COMPENSATION

- * (Unit 4 - Police, Unit 5 - Technical/Professional Services)

Any employee who makes a court appearance as part of his/her duties on his/her off-duty time shall be reimbursed for the actual time in court; however, the employee shall receive a minimum of two (2) hours time for a morning appearance and two (2) hours time for an afternoon appearance.

- * (Unit 4 - Police)

- A. For any court appearance outside the City of Ontario where an officer is required to remain over the lunch hours, he shall be entitled to one meal not to exceed \$3.50 in cost.
- B. Any officer who is required to work on his day off may elect to have another day off or receive pay for that day.
- C. For any court appearance outside the City of Ontario, a City vehicle will be made available whenever possible and shall be utilized by the officer. If the officer must utilize a private vehicle, he will be reimbursed for his actual mileage according to the rates set forth in Section I-3-2 of the Administrative Manual for the use of private vehicles.

SECTION 11. OUT-OF-CITY DUTY COMPENSATION

- * (Unit 4 - Police)

- A. When an officer is assigned out of the City on mutual aid he/she shall be entitled to a minimum of eight (8) hours pay or up to a maximum of twelve (12) hours pay for every twenty-four (24) hours he/she is required to be absent from the City. The amount of time earned shall be dependent upon the actual amount of time the officer is on duty and not in a standby status. Such time shall be computed from the time the officer leaves Ontario Police Headquarters until he/she returns to Ontario Police Headquarters. All meals and lodging will be furnished.
- B. When the officer returns, the officer in charge shall submit a detailed report of all activities and how the officer's time was allocated; i.e., travel, standby duty, or other status.

SECTION 12. SHIFT DIFFERENTIAL COMPENSATION

- * (Unit 6 - Miscellaneous Services)

When the majority of the employee's regularly scheduled shift hours occur before

7:00 AM and after 5:30 PM, the employee will receive a shift differential of thirty-five cents (35) per hour for all hours worked, in addition to the regular rate of pay.

Shift differential shall not be paid for any hours worked as overtime unless the employee qualifies as provided in this section.

RULE V. APPLICATIONS AND APPLICANTS

SECTION 1. ANNOUNCEMENTS

When an examination is to be given for any position in the city service, the Personnel Officer shall have notice given by posting announcements in City Hall, official bulletin boards, and other public places. The City Manager may also advertise by any other methods he deems advisable.

Announcements shall contain information as to the title of the position, duties and responsibilities of the position, remuneration for the position, the degree of training and experience required, the manner of making application, and any other information that may be pertinent.

SECTION 2. APPLICATION FORMS

Applications shall be on forms provided by the Personnel Department. These forms shall require information as to training, experience, citizenship, references, and other pertinent information. All applications must be signed by the person making application.

SECTION 3. ACCEPTANCE OF APPLICATIONS

Any qualified person shall be admitted to examination who, within the period prescribed in the public notices thereof, has filed an application upon the forms furnished by the Personnel Department, and whose application has not been rejected for cause in accordance with these rules, and who presents himself at the time and place designated for the examination.

SECTION 4. REJECTION OF APPLICANT

The Personnel Officer shall reject any applicant who:

- A. Clearly fails to meet required minimum qualifications for the position.
 - B. Is not a citizen of the United States, where citizenship is required by State law.
 - C. Is physically incapable of fulfilling the duties as determined by a physician.
 - D. Makes any false statement of a material fact.
 - E. Has practiced any fraud or deception in the making of the application.
-

- F. Cannot prove legal residence within the United States, if the applicant is not a citizen.

SECTION 5. NOTICE OF REJECTION

Whenever any application is rejected, written notice shall be mailed to the applicant. Incomplete applications may be returned to the applicant to be amended if the time limit for accepting applications has not expired.

RULE VI. EXAMINATIONS

SECTION 1. NATURE AND TYPES OF EXAMINATION

The selection techniques used in the examination process shall be impartial, of a practical nature, and shall relate to those subjects which fairly measure the relative capacities of the individuals examined. Examinations may be assembled or unassembled, may consist of written, oral, or performance tests or any combination thereof. Physical tests, medical tests, and investigations and evaluations of training, experience, services, character, and personal traits may be included as a part of any examination.

SECTION 2. CONDUCT OF EXAMINATIONS

The City Council may contract with a competent agency to administer the tests or the Personnel Officer may make the necessary arrangements with competent sources.

SECTION 3. PROMOTIONAL EXAMINATIONS

A promotional examination may be given whenever the Personnel Officer feels one is advisable or upon the request of a department head. These tests may consist of any of the selection techniques set forth in Section I of this rule. Only permanent or probationary employees who meet the qualifications set forth in the announcement are eligible to compete in a promotional examination.

SECTION 4. SCORING THE EXAMINATION

An applicant's grade upon a test is determined by weighing the score achieved in each part as set forth in the examination announcement and then computing the average. Failure in one part of the examination may be grounds for declaring the applicant as failing in the entire examination or as disqualified for subsequent parts of the examination.

SECTION 5. NOTIFICATION OF RESULTS

Each candidate in an examination shall be given written notice of the results thereof and if successful, the final earned rating and/or relative position on the employment list.

RULE VII. EMPLOYMENT LISTS

SECTION 1. EMPLOYMENT LISTS

As soon as possible after the completion of an examination, the Personnel Department shall prepare an employment list for the position tested. This list shall consist of applicants grouped relative to the scores they received in the total examination process.

SECTION 2. DURATION AND EFFECTIVE DATES OF THE LISTS

The list shall become effective by the pronouncement of the Personnel Officer that it is complete and available for selection. This list is to remain in effect for one year unless rescinded or extended by the City Manager.

Probationary and permanent employees who have been laid off will have their names placed on a re-employment list for one year. Names on this list shall be ranked in accordance with Rule XIII, Section 2 Layoff Procedure.

SECTION 3. REMOVAL OF NAMES FROM LIST

The name of a person appearing on an eligible or promotional list shall be removed upon written notice from the individual, failure to respond to a written notice of certification, or for any of the reasons set forth in Rule V, Section 4. The individual concerned shall be notified in writing of the action taken, mailed to the last known address. Any person on a promotional list who resigns from city service shall automatically have his/her name removed from the list.

SECTION 4. PROMOTIONAL LISTS FOR THOSE ON MILITARY LEAVE OF ABSENCE

The rights of any individual who enters, or entered, the armed forces of the United States or of this State, on or before the adoption of the National Selective Service Act in 1940, whether on annual or extended military leave, and whose name appears, or appeared, on a promotional list at the time he enters, or entered, such armed forces, shall not be prejudiced as a result of having been absent from the city in the armed forces. This section will be subject to the limitations expressed in Section 2 of this rule.

RULE VIII. METHOD OF FILLING VACANCIES

SECTION 1. GENERAL PROVISION

All vacancies in the city service shall be filled by transfer, demotion, promotion, reemployment, reinstatement, or from eligibles certified by the Personnel Department from an appropriate list.

SECTION 2. NOTICE OF VACANCY

Whenever a vacancy occurs in the city service, the department head shall notify the Personnel Officer by submitting a completed Personnel Request Form (Appendix B). The Personnel Officer shall decide in what manner the vacancy is to be filled from those listed in Section 1 of this rule.

SECTION 3. CERTIFICATION OF ELIGIBLES

If it is deemed in the best interest of the city to appoint from a list of eligibles, then the Personnel Officer shall certify from the specified list the names of all individuals willing to accept employment.

In the event there are fewer than three names on the list willing to accept appointment, the appointing authority may make an appointment from among such eligibles or request the Personnel Officer to establish a new list. If there are insufficient available eligibles on a promotional list, enough available eligibles shall be certified simultaneously from the promotional and eligible lists to insure that the number of available eligibles shall exceed by two the number of vacancies to be filled.

SECTION 4. APPOINTMENT PROCEDURE

From the list of eligibles certified and submitted to the department head, the department head will make a selection which must then be approved by the City Manager. If the person selected then presents himself or herself to the Personnel Office within the prescribed time, he or she shall be deemed to be appointed; otherwise, the individual shall be deemed to have declined the appointment.

SECTION 5. PROVISIONAL APPOINTMENTS

In the event there is a lack of qualified eligibles for a position, the City Manager may approve the provisional appointment of a person meeting the minimum qualifications of the position until a list of available eligibles is established. No credit shall be given

for any service under a provisional appointment toward the establishment of a new list or in the giving of any examination.

SECTION 6. TEMPORARY PROMOTIONS

Only management personnel are authorized to assign employees to perform duties associated with a higher classification. Such assignments will be confirmed in writing by the manager making the assignment, and notification will be provided to the Personnel Department.

* (Unit 2 - Fire)

Any employee who works more than 12 consecutive hours in a higher classification shall receive an approximate 5% salary increase while the employee continues to work in the higher classification. Only hours worked in higher classifications that are required by the department shall be counted toward meeting this requirement. After an employee has qualified in accordance with this provision, the employee will not be required to re-establish eligibility in the qualified classification thereafter.

* (Unit 5 - Technical/Professional Services)

Any employee, who temporarily performs the duties of a position in a higher classification for eighty (80) consecutive hours, shall continue to receive his normal rate of pay. Any subsequent work performed by the employee in the higher classification shall entitle the employee to be paid at the normal rate of pay for that classification while performing such duties with three exceptions:

- A. If substantial time has elapsed since the employee last performed the work of the higher classification, the supervisor may require a performance test not to exceed a normal day's work at the employee's normal rate of pay.
- B. In the instances where new equipment or new operational procedures are involved, the supervisor may require a training period not to exceed sixteen (16) hours at the employee's normal rate of pay.
- C. In those instances where training is not involved and, if in the supervisor's opinion an employee is proficient in the higher classification, management has the authority to pay that employee at the higher classification pay rate.

The effective date of the temporary promotion shall be the beginning of the pay period following the one consecutive pay period.

The temporary promotion will remain in effect until the City no longer requires the incumbent to perform the duties of such assignment.

At the end of such assignment the employee performing the temporary assignment shall return to his/her original position and salary range.

* (Unit 6 - Miscellaneous Services)

Any employee who temporarily performs the duties of a position in a higher classification for eighty (80) cumulative hours, shall continue to receive his normal rate of pay. Any subsequent work performed by the employee in the higher classification shall entitle the employee to receive a one (1) step increase in pay, unless the rate of pay for the classification is lower, in which case the employee would receive the maximum rate of pay for that classification while performing such duties with three exceptions.

- A. If substantial time has elapsed since the employee last performed the work of the higher classification, the supervisor may require a performance test not to exceed a normal day's work at the employee's normal rate of pay.
- B. In the instances where new equipment or new operational procedures are involved, the supervisor may require a training period not to exceed sixteen (16) hours at the employee's normal rate of pay.
- C. In those instances where training is not involved and, if in the supervisor's opinion an employee is proficient in the higher classification, management has the authority to pay that employee at the higher classification pay rate.

The effective date of the temporary promotion shall be the beginning of the pay period following the one consecutive pay period.

The temporary promotion will remain in effect until the City no longer requires the incumbent to perform the duties of such assignment.

At the end of such assignment the employee performing the temporary assignment shall return to his/her original position and salary range.

SECTION 7. POLICE CADET APPOINTMENT TO POLICE OFFICER

If the Personnel Rules and Regulations have been complied with, and a Cadet has successfully passed the examination for Police Officer before appointment as a Cadet, the Cadet is then eligible for appointment as a Police Officer without further testing.

RULE IX. PROBATIONARY PERIOD

SECTION 1. OBJECTIVE

The probationary period is to be regarded as an integral part of the testing procedures and shall be utilized for closely observing the employee's work and his/her adjustment within the organization.

SECTION 2. LENGTH

All original and promotional appointments shall be tentative and with a probationary period. The department head shall submit a performance evaluation report as to the quality of service of the probationer, and whether the probationer is to be retained as a permanent employee. The probationary period is not complete until permanent status is recommended by the department head and approved by the City Manager.

The probationary period shall be actual service of not less than twelve (12) months of actual service for safety employees and six (6) months of actual service for all other probationary employees.

SECTION 3. REJECTION

During the probationary period, an employee may be terminated by the department head without cause and without right of appeal. Notification of rejection in writing shall be served on the probationary employee along with a performance evaluation and copies of both will be filed in the Personnel Office two (2) weeks before the effective date of the rejection. The affected employee may request a meeting with the department head to discuss the reasons for rejection prior to the effective date of the rejection.

An employee who is rejected while serving probationary period after promotion, may be returned to his/her former position if the department head feels he/she is incapable of fulfilling his/her new duties after a reasonable period of time.

RULE X. LEAVES OF ABSENCE

SECTION 1. LEAVES OF ABSENCE WITHOUT PAY

The City Manager shall have power to grant leaves of absence without pay for periods up to six months. During these periods, no vacation or sick leave benefits shall accrue.

An employee on an approved leave of absence without pay may continue medical insurance coverage by paying the full cost to the City in advance for each month, or portion thereof, depending on eligibility

** Also see Anniversary Date

SECTION 2. VACATION LEAVE

A. ELIGIBILITY

The granting of leaves is governed by the considerations presented below:

1. Upon satisfactory completion of six months service, the employee will be credited with the number of vacation days accrued.
2. Employees may use earned vacation leave after six months service.
3. Any leave of absence over thirty (30) days duration due to a combination of compensatory time and vacation leave must be approved by the City Manager.
4. Vacation periods during the calendar year shall be determined by the department head with due regard for both the wishes of the employee and the needs of the department.
5. Holidays occurring during a vacation shall not be counted as a day of vacation and the vacation leave shall be extended accordingly.
6. Any firefighter or police officer who has successfully completed six months service may be permitted to take a vacation. In the event that a firefighter does not complete his/her probationary period, any time granted as vacation shall be deducted from the individuals final pay received from the City.
7. Permanent part-time employees: Those employees who work half-time or more shall be entitled to a vacation period according to their

normal work schedule and in accordance with their base pay.

B. CARRY-OVER

In order to encourage employees to take vacation time in a regular and timely manner, vacation time accrued should be used during the following year after it has been earned. Any carry-over of vacation time shall be with the approval of the Agency/Department head concerned.

- * (Unit 3-Management Group, Unit 7-Police Management Unit, Unit 12 - Fire Management Unit)

Vacation leave taken during the following year after it has been earned allows a maximum of twice the annual accrual if all vacation leave earned in one year is used by the final month of the second year.

In accordance with this rule Agency/Department heads will make every effort to schedule vacation leave usage to prevent accruals beyond twice the annual accrual amount.

In order that an employee will not lose accrued vacation time because an Agency/Department is unable to allow vacation usage so that the employee may comply with this section, the Agency/Department head shall arrange vacation usage mutually beneficial to the employee and the Agency/Department.

- * (Unit 2 - Fire)

The maximum amount of vacation time that can be carried over from year-to-year will be 336 hours.

C. RATE OF ACCRUAL

- * (Unit 2 - Fire)

Shift Personnel

<u>Years Completed</u>	<u>Vacation Earned</u>
1-4	6-24 hour shifts
5-9	8-24 hour shifts
10-14	10-24 hour shifts
15-19	11-24 hour shifts
20-24	12-24 hour shifts
25-29	13-24 hour shifts
30+	14-24 hour shifts

Non-Shift Personnel

<u>Years Completed</u>	<u>Vacation Earned</u>
1-3	14 working days
4	15 working days
5-9	16 working days
10-14	21 working days
15-19	22 working days
20-24	23 working days
25-29	24 working days
30+	25 working days

* (Unit 3-Management Group, Unit 7-Police Management Unit)

<u>Years Completed</u>	<u>Vacation Earned</u>
1-3	14 working days
4	15 working days
5-9	16 working days
10	17 working days
11	18 working days
12	19 working days
13	20 working days
14	21 working days
15	22 working days

* (Unit 4 - Police)

<u>Years Completed</u>	<u>Vacation Earned</u>
1-5	12 working days
6	13 working days
7	14 working days
8	15 working days
9	16 working days
10	17 working days
11	18 working days
12	19 working days
13	20 working days
14	21 working days

* (Unit 5 - Technical/Professional Services, Confidential Employees)

Employees hired before July 1, 1983

<u>Years Completed</u>	<u>Vacation Earned</u>
1-3	14 working days
4	15 working days
5-6	16 working days
7	16 working days
8	17 working days
9	18 working days
10-11	19 working days
12-13	20 working days
14	21 working days
15	22 working days

Employees hired on July 1, 1983 and thereafter

<u>Years Completed</u>	<u>Vacation Earned</u>
1	10 working days
2	11 working days
3	12 working days
4	13 working days
5	14 working days
7	16 working days
8	17 working days
9	18 working days
10-11	19 working days
12-13	20 working days
14	21 working days
15	22 working days

* (Unit 6 - Miscellaneous Services)

Employees hired before July 1, 1985

<u>Years Completed</u>	<u>Vacation Earned</u>
1-3	13 working days
4	14 working days
5	15 working days
6	16 working days
7	16 working days
8	17 working days
9	18 working days

10-11	19 working days
12-13	20 working days
14	21 working days
15	22 working days

Employees hired on July 1, 1985 and thereafter

<u>Years Completed</u>	<u>Vacation Earned</u>
1	10 working days
2	11 working days
3	12 working days
4	13 working days
5	14 working days
6	15 working days
7	16 working days
8	17 working days
9	18 working days
10-11	19 working days
12-13	20 working days
14	21 working days
15	22 working days

* (Unit 12 - Fire Management Unit)

Shift Personnel

<u>Years Completed</u>	<u>Vacation Earned</u>
1-3	7-24 hour shifts
4	7.5-24 hour shifts
5-9	8-24 hour shifts
10	8.5-24 hour shifts
11	9-24 hour shifts
12	9.5-24 hour shifts
13	10-24 hour shifts
14	10.5-24 hour shifts
15	11-24 hour shifts
16	12-24 hour shifts

Non-Shift Personnel

<u>Years Completed</u>	<u>Vacation Earned</u>
1-3	14 working days
4	15 working days

5-9	16 working days
10	17 working days
11	18 working days
12	19 working days
13	20 working days
14	21 working days
15	22 working days
16	24 working days

SECTION 3. SICK LEAVE

- A. A City employee is entitled to sick leave for:
1. Any bona fide illness or injury.
 2. Quarantine due to exposure to contagious disease.
 3. Any treatment or examination including, but not limited to, medical, dental, ocular.
 4. Death in the immediate family.
- B. A City employee is not entitled to sick leave for illness or injury arising out of employment, other than employment for the City, for monetary gain or other compensations, or by reason of engaging in business or activity for monetary gain or other compensation.
- C. Employees accrue sick leave at the rate of one (1) day per month or twelve (12) working days per year. (Fire Department Shift employees excluded, see J).
- D. During the first six (6) months of service, sick leave and vacation time may be used for injuries occurring on duty, bona fide personal injury or illness. If an employee does not complete the probationary period, any wages advanced to the employee to cover sick leave shall be deducted from the final pay check. Upon satisfactory completion of six (6) months service, an employee shall be credited with earned sick and vacation leave less any days that may have been used for an illness or injury during the first six months of service.
- E. Part-time permanent employees who work half time or more shall be entitled to sick leave prorated according to their normal work schedule and in accordance with their base pay.
- F. There shall be no limit on the amount of sick leave that may be accrued by a permanent employee.

- G. Sick leave shall not be taken as vacation time or compensated for in money at any time, unless provided for otherwise.
- H. When an employee has been on sick leave, the City reserves the right to make any investigation of the illness it deems necessary, even to the requiring of a doctor's certificate. On the first day of illness, the employee must notify the department before the end of the first hour after the shift begins if the employee is to receive sick leave credit.
- I. All determinations of sick leave shall be made by the department head concerned subject to the approval of the Personnel Officer.
- J. Fire Department shift employees are given credit for twelve (12) hours sick leave each month. If an employee is absent for a 24-hour duty period, the employee is charged with using 24 hours of sick leave credit.

SECTION 4. BEREAVEMENT LEAVE

- A. In the event of a death in the employee's immediate family, the employee shall be granted three (3) days paid bereavement leave at no charge to the employee. Shift employees in Unit 2 - Fire will be granted two shifts paid bereavement leave. Non shift employees will be granted three (3) days paid bereavement leave. Such bereavement leave shall be charged against the employee's sick leave, vacation or accrued compensatory time. Unit 12 - Fire Management Unit shift employees will be granted two shifts paid bereavement leave. Non shift employees will be granted three (3) days paid bereavement leave. Such leave will be at no charge.
- B. A maximum of five days paid bereavement leave shall be granted if there is a death in the immediate family outside the State boundaries at no charge. A Unit 2 Fire shift employee will be granted two shifts paid bereavement leave with a maximum of three shifts if the death in the immediate family is outside the State boundaries. Such leave will be charged against sick leave, vacation, or accrued compensatory time. Unit 12 - Fire Management Unit shift employees will be granted two (2) shifts paid bereavement leave with a maximum of three (3) shifts if the death in the immediate family is outside the state boundaries. Non shift employees will be granted five (5) days paid bereavement leave if the death in the immediate family is outside the state boundaries. Such leave will be at no charge to the employee.
- C. The employee shall be granted one day paid personal leave to attend the funeral of a close relative not in the employee's immediate family. A Unit 2 - Fire shift employee will be granted one shift.
- D. City employees may be excused by department heads to attend the funeral of deceased City employees without loss of pay.

- E. The employee may be required to furnish evidence satisfactory to the City of the family member's death and the employee's relationship to the deceased family member.
- F. Any time used for bereavement shall not be charged as personal leave time except for Unit 6 - Miscellaneous Services employees as provided in G.

* (Unit 6 - Miscellaneous Services)

- G. In the event the employee requires additional time, two (2) days of sick leave and one (1) day of personal leave may be utilized for bereavement leave provided the employee has sufficient sick leave available. If the employee has no sick leave available, the additional two days shall be taken without pay, or charged against the employee's vacation time.

SECTION 5. INDUSTRIAL INJURY LEAVE

- A. An employee injured in the line of duty will be compensated by the City of Ontario self-insured worker's compensation insurance fund after an absence of three (3) days. The doctor selected by the City or the employees designated physician must file a First Report of Work Injury with the City of Ontario.
- B. Non Public Safety employees, when injured in the line of duty, may elect to use accumulated vacation, sick leave, or compensatory time to receive their normal salary. Payments from the City of Ontario self-insured worker's compensation fund must be turned over to the City if the employee elects to use vacation or sick leave.
- C. Public safety employees when injured in the line of duty, shall be placed on paid medical leave of absence not to exceed one year from date of injury in accordance with Article 7, Section 4850 of the Labor Code until the injury is determined to be in the line of duty by the City of Ontario self-insured worker's compensation insurance fund, the injured employee may elect to use compensatory time, vacation, or sick leave. If the injury is determined to be in the line of duty, all vacation, sick leave, and compensatory time credits used will be restored.
- D. Whenever an employee has been given a permanent and stationary rating by the Division of Workers Compensation of the State of California, return to the job must be based on the same medical information which the employee used in order to obtain the award. Unless these medical facts are very carefully considered, subsequent injuries or aggravations of the original injury can occur.

It is the policy of the City that employee returns to duties the employee can

perform safely without undue risk of further injury to himself/herself or other employees. Should the employee be unwilling to accept a position offered by the City which he or she is physically and otherwise qualified to perform, the employee's employment will be terminated.

The medical criteria presented to the Division of Workers Compensation by the employee and his or her doctor shall be obtained and utilized by the City and interpreted in terms of specific job restrictions and limitations. The department head, Personnel Director and the Risk Management/Safety Officer shall then interpret and apply such job restrictions and limitations to the specific physical requirements of the employee's position and make a recommendation to the City Manager. A determination shall be made by the City Manager as to whether or not the employee shall:

1. Return to the job.
2. Transfer to some other position for which the employee is qualified based upon physical ability and experience.
3. Terminate employment with the City.

SECTION 6. MODIFIED DUTY

* (Unit 6 - Miscellaneous Services)

The City will endeavor to provide modified duty for employees who have sustained an injury on the job. Such modified duty is contingent upon availability and will be subject to the following consideration:

- A. The treating, or consulting, doctor assigned in accordance with the Worker's Compensation Laws, will determine the employee's capability to perform modified duty. The responsibility for such determination shall rest solely with one or all of these doctors.
- B. When modified duty is determined not to be available within the Department the injured employee normally works, the employee may be assigned modified duty within another department.

SECTION 7. MILITARY LEAVE

- A. Officers and Employees of the City who are members of a state or federal reserve military unit shall be entitled to absent themselves from their duties or service with the City while engaged in the performance of ordered military duty, and while going to or returning from such duty in accordance with the laws of the State of California.
- B. Employees are entitled to thirty (30) calendar days paid military leave in any

one fiscal year provided they have been employed by the City for one year prior to this leave. Employees with less than one year's service must use accrued annual leave or compensatory time if they wish to receive their normal pay. This provision does not apply to regular drills at local stations.

- C. Employees who are called or volunteer for service with the armed forces of the United States shall be entitled to reinstatement to their former positions. Upon application for reinstatement, the individual must display a certificate showing service was other than dishonorable. However, any individual possessing the right of reinstatement automatically forfeits these rights upon voluntary enlistment for a second term.
- D. Any employee returning from service with the armed forces shall be entitled to such length of service seniority as would have been credited to the employee if he or she remained for that period of time with the City.
- E. An employee who was in a probationary period at the time of leaving shall, upon return, complete the remaining portion of the probationary period according to the present rules and regulations.
- F. An employee temporarily promoted to fill a vacancy created by a person serving in the armed forces shall hold such position subject to the return of the veteran. The employee affected by the return shall be restored to his or her former position or one of a similar nature while the returning employee resumes the position held previously.

SECTION 8. JURY AND COURT LEAVE

- A. Employees of the City who are called or required to serve as trial jurors may absent themselves from their duties with the City during the period of such service or while necessarily being present in court as a result of such call. Permanent/probationary employees on jury duty will continue to receive their normal pay. Any individual called for jury duty in Ontario must return to work if dismissed before 3:00 p.m. If the individual is called to San Bernardino, he or she must return to work if dismissed by 2:00 p.m. Upon return from jury duty, the employee shall present a certificate of service to his/her Department.
- B. An employee required to appear before a court for other than jury duty or in the line of duty will receive the necessary time as paid personal leave.

SECTION 9. HOLIDAYS**A. DAYS OBSERVED****1. All permanent employees except as identified in (2), (3) and (4):**

- New Years Day - January 1
- Martin Luther King's Birthday - 3rd Monday in January
- Washington's Birthday - 3rd Monday in February
- Memorial Day - Last Monday in May
- Independence Day - July 4
- Labor Day - 1st Monday in September
- Columbus Day - 2nd Monday in October
- Veteran's Day - November 11
- Thanksgiving Day - 4th Thursday in November
- Day After Thanksgiving Day - 4th Friday in November
- Christmas Eve (1/2 day) - December 24
- Christmas Day - December 25
- New Years Eve (1/2 day) - December 31

2. Unit 2 - Fire Only:

- New Years Day - January 1
- Martin Luther King's Birthday - 3rd Mon. in January
- Washington's Birthday - 3rd Monday in February
- Lincoln's Birthday - February 12
- Memorial Day - Last Monday in May
- Independence Day - July 4
- Labor Day - 1st Monday in September
- Admission Day - September 9
- Columbus Day - 2nd Monday in October
- Statewide Election Day - 1st Tuesday after the Monday in November every even year.
- Veteran's Day - November 11
- Thanksgiving Day - 4th Thursday in November
- Day After Thanksgiving Day - 4th Friday in November
- Christmas Eve (1/2 day) - December 24
- Christmas Day - December 25
- New Years Eve (1/2 day) - December 31
- Every day designated by the President of the United States or by the Governor of the State of California. Any special holiday called by the President or Governor of the State of California. Any special holiday or designated day called by the President or Governor shall be paid on a one-time only basis.

3. Unit 4 - Police Only:

- New Years Day - January 1
- Martin Luther King's Birthday - 3rd Monday in January
- Washington's Birthday - 3rd Monday in February
- Lincoln's Birthday - February 12
- Memorial Day - Last Monday in May
- Independence Day - July 4
- Labor Day - 1st Monday in September
- Admission Day - September 9
- Columbus Day - 2nd Monday in October
- Veteran's Day - November 11
- Thanksgiving Day - 4th Thursday in November
- Day After Thanksgiving Day - 4th Friday in November
- Christmas Eve (1/2 day) - December 24
- Christmas Day - December 25
- New Years Eve (1/2 day) - December 31

4. Unit 7 - Police Management Unit Only:

- New Years Day - January 1
- Martin Luther King's Birthday - 3rd Monday in Jan.
- Washington's Birthday - 3rd Monday in February
- Lincoln's Birthday - February 12
- Memorial Day - Last Monday in May
- Independence Day - July 4
- Labor Day - 1st Monday in September
- Admission Day - September 9
- Columbus Day - 2nd Monday in October
- Veteran's Day - November 11
- Thanksgiving Day - 4th Thursday in November
- Day After Thanksgiving Day - 4th Friday in November
- Christmas Eve (1/2 day) - December 24
- Christmas Day - December 25
- New Years Eve (1/2 day) - December 31

B. WEEKEND HOLIDAYS

For non-safety and 40 hour-a-week safety employees, any holiday that falls on Sunday will be observed on the following Monday. Any holiday occurring on Saturday will be given as a vacation day that year.

C. HOLIDAY WORK SCHEDULE

The Solid Waste Department normally will not work on the following holidays:

- New Year's Day - January 1

- Washington's Birthday - 3rd Monday in February
- Memorial Day - Last Monday in May
- Independence Day - July 4
- Labor Day - 1st Monday in September
- Veteran's Day - November 11
- Thanksgiving Day - 4th Thursday in November
- Christmas Day - December 25

Should the City determine that operational needs require the Solid Waste Department and supporting elements in the Equipment Services Department to work on any one of the above holidays; such departments may work those days with a majority consensus of the affected employees.

D. HOLIDAY ASSIGNMENT FOR DETECTIVE BUREAU DETECTIVES

A minimum of five (5) slots or a maximum of 25% of the Bureau Detectives will be available in the Detective Bureau Detectives to work each recognized holiday. Employees will be selected on a rotational basis from a seniority list. Seniority for this purpose is defined as time served in the Detective classification. Such opportunity will be available until the five (5) slots are filled for that particular holiday, or no volunteers remain, whichever comes first. Should an employee decline the opportunity to work a holiday when his/her name is selected, the employee's name will go to the bottom of the list until such time when all employees have been given the opportunity to work.

E. HOLIDAY WORK COMPENSATION

1. Non-Shift Employees

Employees who work certain holidays and are not regular shift employees shall receive, at the discretion of the department head, either compensatory time off or holiday pay for those holidays worked at time and one half.

- * (Unit 5 - Technical/Professional Services, Unit 6 - Miscellaneous Services)

Any employee who is required to work on a holiday will receive one-and-one-half (1 1/2) times the normal hourly rate except for shift employees who have work schedules other than the normal work week (Monday through Friday) and the exception in Section 9 (A).

2. Shift Employees

(Non-Safety Units)

A non-safety shift employee, i.e., an employee who must work a

regular schedule regardless of holidays, shall receive holiday pay at time and one half in addition to his/her regular pay when he/she works on a holiday except when the holiday occurs on a Saturday; in that case, the employee shall receive an extra vacation day. The employee shall receive compensatory time off for a holiday which falls on a regularly scheduled day off. For purposes of this paragraph, Monday observances of Sunday holidays shall be disregarded.

- * (Unit 2 - Fire, Unit 12- Fire Management Unit)

Fire Department safety shift employees will receive credit for seven (7) 24-hour shifts in lieu of all holidays except for statewide and special holidays regardless of whether the employee is on or off duty when the holiday occurs.

- * (Unit 4 - Police)

A police safety shift employee, i.e., an officer who must work a regular schedule regardless of holidays, may elect to receive pay at time and one half, or accumulate time off for the holiday over and above the 40 hour limit on compensatory time when he/she works on a holiday regardless of the day of the week on which the holiday falls. The officer shall receive compensatory time off for a holiday which falls on a regularly scheduled day off.

- * (Unit 7 - Police Management Unit)

Police Sergeants and Police Lieutenants who are required to work on a holiday, shall receive, at the employee's option, either 8 additional hours pay or 8 hours compensatory time at the rate of 1 1/2 times the employee's base compensation.

3. PART-TIME OR TEMPORARY EMPLOYEES

Employees who work part-time on an hourly basis or are temporary workers are not entitled to holiday benefits. Only permanent employees who are on the regular payroll during the period that encompasses the holiday shall be entitled to full holiday benefits.

F. VACATION/SICK LEAVE ON HOLIDAYS

1. Any employee who is on vacation or sick leave when a holiday occurs will not be charged for that day. Holiday pay will be given only to those employees who are required to work on a holiday.
2. Whenever a sworn police officer who is scheduled to work on a holiday as part of his/her normal duty schedule becomes sick on a holiday, the

officer shall be charged with using eight (8) hours sick leave, and shall also be credited with earning eight (8) hours compensatory time.

SECTION 10. ADMINISTRATIVE LEAVE - ALL MANAGEMENT PERSONNEL

A. DEFINITIONS

Administrative leave is to be encouraged and is the desirable means of handling unusual work situations or requirements which may be compensable under the provisions for compensatory time or overtime. Administrative leave may be granted to Administrative and Supervisory Management personnel by the Bureau Commander (Police Department) and the Department/Agency Head.

Administrative Leave is defined as an adjustment made in the employee's work schedule in recognition of work situations and/or requirements which justify granting time off during normal working hours when such adjustment will not interfere with or detract from the effectiveness and efficiency of the department.

For the purpose of administering this section, management personnel are considered to fall within the following categories by class:

Executive Management: All classifications listed in the Executive Management salary resolution are considered Executive Management.

Employees in this group are not entitled to earn or accrue compensatory time or overtime. However, such employees may avail themselves of administrative leave with prior notification and approval of the City Manager.

Administrative Management:

Accounting Manager	Park Superintendent
Assistant Library Director	Purchasing/Central Svcs. Mgr.
Building Official	Recreation Director
City Engineer	Revenue Manager
City Planner	Risk Mgmt/Safety Officer
Deputy Comm. Econ. Dir.	Street Superintendent
Equip. Fleet Superint.	Traffic Engineer
Info/Tele Systems Mgr.	Utility Superintendent
Museum Director	

Employees in this group may earn, accrue and use compensatory time and avail themselves of administrative leave as set forth below:

Supervisory Management: All classifications covered by Unit 3 - Management Group with the exception of the classifications considered

"Administrative Management."

Employees in this group may earn, accrue, and use compensatory time and administrative leave the same as "Administrative Management."

Police Management: All classifications covered by Unit 7 -Police Management Group.

B. SPECIFIED PROVISIONS

Executive Management employees are limited to 40 hours of administrative leave annually, with adjustment in work schedules of generally not more than 1 day - usually 1 or 2 hours. Such leave requires the approval of the City Manager. Administrative leave does not accrue; may not be paid off upon retirement or termination, and is not used to avoid utilizing accrued compensation time or vacation.

Fire Management: All classifications covered by Unit 12 - Fire management Group.

Fire Management employees who are 40 hour employees shall be entitled to a maximum of five (5) days administrative leave per year, which may be taken at any time for any purpose, subject to prior approval of the Management employee's supervisor. Not more than two (2) days of administrative leave may be taken in any single calendar month. Employees are encouraged to use accrued administrative leave. In the event that administrative leave or any portion of the leave is not used by June 30 for each fiscal year, the employee shall file a claim to be reimbursed for the unused administrative leave that year on the appropriate form. Administrative leave may not be accrued from year to year.

All other Management Group employees shall be entitled to a maximum of four (4) days administrative leave per year, which may be taken at any time for any purpose, subject to prior approval of the Management employee's supervisor. Not more than two (2) days of administrative leave may be taken in any single calendar month. Employees are encouraged to use accrued administrative leave. In the event that administrative leave or any portion of the leave is not used by June 30 for each fiscal year, the employee shall file a claim to be reimbursed for the unused administrative leave that year on the appropriate form (Appendix C).

SECTION 11.CONFERENCES, HOURS, AND DAYS OF WORK

Employees may be authorized by the City Manager to attend conferences and official business away from the City at full pay in accordance with current resolutions of the City Council.

Hours and days of work shall be in accordance with the rules established by the Personnel Office subject to approval of the City Manager.

SECTION 12. TERMINAL LEAVE

In the event a permanent employee terminates service with the City, terminal pay equivalent to vacation days accrued will be granted. Leave will be computed in full days and only for the last full month of employment.

SECTION 13. PERSONAL LEAVE

An employee may use any compensatory time he has accrued, but no more than three days of sick leave per fiscal year, as paid personal leave, provided an emergency or other urgent and justifiable cause is presented at the time the request is made for:

- A. sickness within the employee's immediate family,
- B. bereavement leave for other than members of the employee's immediate family,
- C. court appearances when required to be present,
- D. observance of one recognized annual religious service, **and**
- E. any other personal need requiring a leave during working hours when approved by the City Manager upon the recommendation of the department head or his authorized representative.

Court appearances, observances of a recognized annual religious service, and other personal needs requiring an appointment during working hours are purposes for which the employee must provide no less than two days written notice. Failure to provide such notice shall result in such leave to be taken without pay. The supervisor shall waive the two day notice required provided the employee can demonstrate an urgent and justifiable reason for not providing the required notice.

Personal leave shall be used in accordance with the rules set forth in this manual and shall be charged at the employee's discretion against any unused sick leave, vacation, or compensatory time the employee has accumulated provided there is no conflict with the conditions outlined above. Additional leave may be authorized by the City Manager from any leave accrued, or without pay.

SECTION 14. MATERNITY LEAVE (ALL FEMALE EMPLOYEES)

Maternity leave, not to exceed six months, shall be granted at the request of the employee. A maternity leave may be extended or renewed at the request of the employee for a period not to exceed six months.

The employee may utilize up to six (6) weeks of sick leave in conjunction with a maternity leave of absence, provided she has sufficient accrued sick leave.

Certification by the employee's physician shall be required recommending the effective date of the employee's absence, and a full authorization to return to work upon completion of the leave.

Subject to such employee's qualifications to perform the work, the employee shall be reinstated to the same classification she would have had prior to the maternity leave of absence.

Maternity leaves are available only for female employees of the City.

SECTION 15.PATERNITY LEAVE

*** (Unit 2 - Fire)**

- A. An employee is entitled to two (2) days paternity leave if working a 40 hour shift and 2 - 24 hour shifts if working a 24 hour shift in the event the employees wife gives birth to a child. Such leave may be taken at the employees' discretion within 6 weeks before or after the estimated due date. These days will be taken without charge to the employees' accrued time.
- B. Notice of such leave must be provided by the employee in advance so that the operational needs of the department are met.
- C. The employee may be required to furnish evidence satisfactory to the City of the birth.

*** (Unit 6 - Miscellaneous Services)**

- A. In the event an employee's wife gives birth to a child, the employee shall be entitled to two (2) days paternity leave which will be charged against his sick leave, provided the employee has sufficient sick leave available. If the employee has no sick leave available, the additional two (2) days shall be taken without pay or charged against the employee's vacation time.
- B. Any time used for paternity leave shall not be charged as personal leave time.
- C. The employee may be required to furnish evidence satisfactory to the City of the "birth."

RULE XI. SALARY ADJUSTMENTS

SECTION 1. APPLICATION OF RATES

Employees occupying a position in the City service shall be paid at the rate established for their positions according to Rule IV. All original appointments shall be made at the minimum wage for the position, except when in the opinion of the City Manager circumstances warrant appointment at a higher step.

SECTION 2. ANNIVERSARY DATE

After July 1, 1970, each employee's anniversary date will coincide with his/her appointment to a new position in a different classification. All employees will retain their current anniversary dates until appointed to a new classification provided, however, that no employee shall receive more than one merit increase within any six months period. Any employee who is within ninety (90) days of achieving a merit raise at the time of promotion shall be entitled to an increase for the promotion and an increase for the merit step. All future increases while in that classification shall be in accordance with Section 3 below. The date of appointment shall be used to compute vacation, sick leave, and retirement benefits.

The anniversary date of employees who take a leave of absence without pay for more than sixty (60) continuous calendar days will be extended by the length of the absence from work over sixty (60) days adjusted to the start of the nearest pay period.

** Also see Leaves of Absence Without Pay, page X-1

SECTION 3. ADVANCEMENTS

The advancement of an employee is not automatic, but the result of increased service value to the City. Service value shall be determined by recommendation of the department head, length of service, personal performance record, special training, and any other evidence that illustrates the desire of the employee to do a better job.

The five levels of advancement for each full-time and part-time position are granted according to the conditions outlined in Section 1 and 2 and the preceding paragraph. The merit increase effective date is the closest payroll period to the employees anniversary date.

Step A - Entrance Level
Step B - After six months service
Step C - After one year at B step

Step D - After one year at C step

Step E - After one year at D step

**SECTION 4. ADVANCEMENT TO STEP "E" FOR ELECTRICIAN, EQUIPMENT
MECHANIC AND SENIOR EQUIPMENT MECHANIC CLASSIFICATIONS**

To be eligible for the "E" step merit increase, Electricians must have completed a minimum of 13 units in Industrial Electricity at a local college or pass an equivalent electrical examination. Equipment Mechanics and Senior Equipment Mechanics in the Equipment Services Department will be required to acquire the State Smog Certificate and a Class II driver's license, and demonstrate the same level of mechanical proficiency as those mechanics who possess the State Light and Brake Certificates and the ASE Certificate, and be performing in a meritorious manner before receiving "E" Step in the pay range. Possession of the State Light and Brake Certificates and the ASE Certificate shall be considered proof that the employee is performing at an acceptable level of proficiency to receive "E" Step.

SECTION 5. REDUCTION

If, in the opinion of the City Manager and Department Head, an employee has decreased service value to the City, a reduction in pay may be authorized. This reduction may not be below the minimum rate established for that position by the compensation plan. Any employee whose pay is to be reduced shall be provided with a written statement as to the reasons for the action at least two weeks prior to the date such action is to become effective.

RULE XII. MOVEMENT WITHIN THE

CLASSIFIED SERVICE

SECTION 1. TRANSFER

A transfer may be affected at any time by the City Manager upon the recommendation of the department heads concerned or to meet the needs of the service. All transfers must be within comparable classes and no person shall be transferred to a position for which he/she does not possess the minimum qualifications. A transfer shall not be used to circumvent the minimum qualifications. A transfer shall not be used to circumvent the regulations surrounding promotion, demotion, advancement, or reduction.

Vacant positions within a classification may be filled by transfers on the basis of seniority by other employees within that classification provided that such a transfer will not be detrimental to the mission of that department. In the event an employee requests a transfer and such transfer is not approved, the employee and the affected employee organization will be notified of the reason therefor in writing within ten working days.

SECTION 2. TRANSFER POLICY FOR THE POLICE TECHNICIAN CLASSIFICATION

The Police Department will reasonably strive to fill vacant Police Technician positions on a transfer basis with employees from within.

When a request to fill a vacant or new Police Technician position has been approved by the City Manager's Office, a formal job bulletin will then be issued by the Personnel Department opening the position for five consecutive work days to solicit applications for transfer opportunities.

If it appears that it will be necessary to open the recruitment to applicants other than City employees, the Police Chief or his representative will notify the affected employee(s) in writing or orally within ten working days why, specifically, he is choosing to solicit applications on an open recruitment basis.

SECTION 3. TRANSFER POLICY FOR UNIT 2 - FIRE CLASSIFICATIONS

The purpose of this procedure is to provide a fair and equitable means for employees to voluntarily change their work locations, and to establish the policy within which administrative transfers shall be accomplished.

POLICY

Transfers will be considered with the employee's and the Department's best interest in mind.

The Fire Chief maintains the authority to assign personnel in the best interest of the Fire Department.

Fire Department seniority will be the major criteria considered, along with qualifications for special assignments.

All transfer requests shall be maintained by the designated section within the Fire Department in a Master File Book. Vacancies will be filled from transfer requests on file in the Master File Book, unless no qualified personnel have submitted a transfer request for the vacancy.

In order to provide a diversity of experience, and to allow for evaluation of performance by more than one supervisor, all probationary personnel will be administratively transferred. Permanent, full-time Firefighters who are temporarily transferred in order to facilitate probationary or administrative transfers shall have the opportunity to return to their previous assignment when the affected Firefighter is transferred again, or within one (1) year.

PROCEDURE

Employees who wish to request a transfer shall complete an Employee Transfer Form. The transfer form shall be completed in triplicate. The employee will retain one (1) copy and submit two (2) copies to his/her immediate supervisor. The immediate supervisor shall forward both copies to the Department's Personnel Office.

Upon receipt and filing of the transfer request in the Master File Book, the Fire Department shall return a copy of the request to the employee, indicating that the request is on file.

Employees wishing to cancel a previous transfer request shall do so by memorandum, through channels, to the Fire Department's designated section.

The memorandum shall be applied to the appropriate Transfer Request Form in the Master File Book.

When a vacancy occurs, a notice shall be sent to all stations for posting, announcing the opening and declaring the vacancy either open for bid or closed, including cause if closed. Such notice shall be for a period of thirty days after which time the bidding will close and the most senior qualified member, subject to the stated Administrative requirements, will be selected for transfer.

The notice of transfer of this member shall be posted at each work location for no less than fifteen (15) days nor more than thirty (30) days, and the transfer of the member shall take place during this period. This notice of transfer of a member may include a statement which announces the opening of the members vacated position for bid or announces the closing of the position and the cause for the closing. When this occurs, the transfer notice will remain posted for thirty days and is the vacancy notice described in the paragraph immediately above.

If after an opening has been posted for thirty days and no member has filed a request for transfer to the position, the first request received, thereafter, may be honored. Or the position may be filled administratively without further notice other than the posting of the transfer notice.

In the event it becomes necessary to bypass the most senior person requesting any vacancy, that person shall be provided a written explanation for the decision.

Employees may submit a transfer request for any authorized position. The following positions, however, will be filled by appointment approved by Fire Department management:

Fire Captain in Fire Safety Control
Fire Captain Field Training Officer
Fire Captain Paramedic Coordinator

If more than one (1) request is filed by an employee, it shall be the responsibility of that employee to prioritize his/her choices in the space provided on the transfer request form for each request filed.

Transfer requests will be honored only after the employee has served at least one (1) year in his/her present assignment. This requirement shall not apply to those who have been transferred by administrative direction rather than as a result of a transfer request.

All transfer requests will expire December 31 of each year. The Master File Book will be purged the first working day in January.

The transfer policy identified in provisions 5.6 through 5.22 may be amended at any time upon agreement of the Fire Department management and the Association.

SECTION 4. PROMOTION

Insofar as practical and in keeping with the best interests of the service, all vacancies in the classified service shall be filled by promotion after a promotional examination has been held and an eligible list established.

In those non-supervisory positions for which a written examination is not practical in management's judgement, promotions shall be on the recommendation of the supervisor and department head and confirmed by the City Manager. Among the

factors to be considered, but not necessarily limited to, are:

- A. Knowledge, training, ability, skill, and efficiency.
- B. Ability to get along well with fellow employees.
- C. Physical condition which would limit the employee's ability to perform the job applied for.
- D. Attendance record.
- E. Experience
- F. Seniority.

Where all factors are not significantly different, seniority shall prevail.

An employee who receives a promotion to a higher classification shall receive a one (1) step increase in pay or the "A" step of the new classification, whichever is higher.

All employees who receive a promotion shall serve a new probationary period for the classification into which they have been promoted.

SECTION 5. PROMOTIONAL PREFERENCE

*** (Unit 5 - Technical/Professional Services)**

The City will reasonably strive to fill vacant positions on a promotional basis with employees from within.

City employees who apply for existing vacancies and are among the top five candidates on the eligibility list will be given an interview by the department head. If the city candidate is not selected, a written response with reason for non selection will be given by the department head.

*** (Unit 6 - Miscellaneous Services)**

The City will reasonably strive to fill vacant positions on a promotional basis with employees from within.

Whenever the City Manager's Office determines that an examination for a vacant position is to be promotional only, preference shall be given first to those employees in the department where the vacancy exists, then City-wide provided all other things are relatively equal.

When a request to fill a vacant or new position has been approved by the City Manager's office, a formal job bulletin will then be issued by the Personnel

Department opening the position for five consecutive work days to solicit applications for promotional opportunities. Job bulletins will be posted in the Personnel Department, the Ontario Municipal Services Center (classroom area), the Library, the Police Department, and the Fire Department. Job bulletins will also be mailed to the appropriate union-designated official.

If it appears that it will be necessary to open the recruitment to applicants other than City employees, the affected department head will notify the Union Chief Steward why, specifically, the choice is to solicit applications on an open recruitment basis.

Excluded from the promotional preference policy all the Duplicating Clerk, the Park Maintenance Worker I, and the Street Maintenance Worker I from the promotional preference policy.

Nothing in this section shall be construed as superseding the Rules and Regulations set forth in the Personnel Manual.

SECTION 6. DEMOTION

A department head, with the approval of the City Manager, may demote any employee who so requests it or whose performance falls below standard, or for disciplinary purpose, or to prevent a layoff. Any demotion to prevent layoff may be reversed when the employee's previous position is reopened. An employee may not be demoted to a class for which the employee does not possess the minimum qualifications. Normally ten (10) working days prior to the demotion, a written statement shall be given to the employee stating the reasons for the action, and one copy shall be filed in the Personnel Office.

If the demoted employee had achieved permanent status in a previous class, the employee shall be entitled to permanent status in the class to which he or she has been demoted.

SECTION 7. SUSPENSION

An employee may be suspended by a department head, with the approval of the City Manager, for disciplinary purpose or for any just cause which is in the best interests of the City. Suspension shall not exceed thirty (30) days without pay nor shall it exceed more than thirty (30) days in any fiscal year.

Normally one week prior to a 1-3 day suspension (1/2 shift to 1 1/2 shift for Fire safety shift employees), and two weeks prior to a four (4) day or more (2-shift or more for Fire safety shift employees) suspension, a suspended employee will be provided with a written copy of the charges made against the employee.

SECTION 8. REINSTATEMENT

An employee who has resigned with a good record and who has complied with all personnel procedures may be reinstated to his or her former position if vacant, or to

a comparable one, within one year. Upon reinstatement, the employee shall be considered for all purposes to have received an original appointment.

RULE XIII. SEPARATION FROM THE SERVICE

SECTION 1. DISCHARGE

The City Manager may dismiss anyone in the City service at any time. However, if the probationary period has been completed, just cause must be shown. Any employee who is to be discharged will be provided with a written statement two weeks before the effective date of the termination setting forth the reasons for such action.

SECTION 2. LAYOFFS

The City Manager may lay off permanent and probationary workers at any time for lack of work or other changes that have taken place. The employee and the employee's organization are to be given two weeks notice before such a layoff is to take place. The City shall meet and consult with the concerned employee organization on such matters as the timing of the layoff and the number and identity of the employee affected by the layoff during the two week period prior to the proper layoff action.

A demotion or transfer to another department may be made to prevent a layoff provided the employee is qualified by education and/or experience and is capable of performing the duties of the classification.

In the event of a layoff, those employees with the least service in the classification affected shall be laid off first; if a recall begins, the most senior employees laid off in the classifications required shall be recalled first. Strict application of seniority shall prevail unless exceptional circumstances occur of which the concerned employee organization shall be fully apprised in advance. The order of layoff shall be:

- A. Temporary employees in the affected classification shall be removed first.
- B. Probationary employees in the affected classification shall be removed next.
- C. Exceptional circumstances may include the desirability of maintaining a balanced department or work unit and maintaining employees in the classification, department, or section who have the ability to perform the work available.

The employee scheduled to be laid off shall be entitled to displace to a position in a classification occupied by an incumbent with less overall City (displacement seniority) seniority provided it is in a position in which he/she formerly held a permanent appointment or is qualified by education and/or experience and is capable of performing the duties of the classification.

The employee with the least displacement seniority shall be displaced by the person scheduled for layoff. The employee displaced shall be considered as laid off for the same reason as the person who displaced him/her and shall in the same manner be eligible to displace to a position in a classification in which he/she formerly held a permanent appointment or is qualified by education and/or experience and is capable of performing the duties of the classification. (For further details on the re-employment list, see Rule VII, Section 2, of the Personnel Rules and Regulations.)

Failure to return to work from layoff within fifteen (15) calendar days after notice to return by certified or registered mail to the employee at his last known address on file with the City Personnel Office or by personal delivery shall constitute the employee's waiver to return to work and eliminates any future re-employment responsibilities placed on the City.

SECTION 3. RESIGNATION

An employee wishing to leave the City service in good standing shall file with the department head, a written statement as to the reasons for leaving, and the effective date, at least two weeks before leaving. The time limit of the resignation may be waived at the discretion of the department head concerned. The department head shall forward a copy of the resignation and other personnel forms as currently required, to the Personnel Department.

SECTION 4. EXIT INTERVIEWS

The department head or City Manager may conduct or have conducted, an exit interview, if in their opinion information can be gained which will improve or enhance present operating procedures.

RULE XIV. GRIEVANCE PROCEDURE

A grievance procedure for each collective bargaining unit exists for the resolution of an alleged violation, misinterpretation, inequitable application, or non-compliance with existing City codes, memoranda of understanding, rules, regulations, policies, and/or working conditions.

The procedure specific to each collective bargaining unit may be found in Appendix D.

RULE XV. TRAINING OF EMPLOYEES

SECTION 1. RESPONSIBILITY FOR TRAINING

The department heads in conjunction with the Personnel Department and under the guidance of the City Manager shall be responsible for developing training programs. Such training programs may include lecture courses, demonstrations, assignments of reading material or any other methods that may be available for increasing the knowledge of municipal employees in the performance of their duties.

City employees desiring to further their professional development through advanced education may be reimbursed for their tuition costs if they comply with the following conditions:

- A. The basic conditions governing prepayment and reimbursement for courses and seminars are:
 - 1. Secure prior approval of the department head and the City Manager or designee.
 - 2. Achieve a final grade of C or better.
- B. The employee may receive prepayment of tuition when:
 - 1. The course is required by the department head and the City Manager, departmental funding is available, the department head and City Manager sign a memorandum to this effect before the start of classes. One copy of the memo will be retained in the departmental files, and one copy will be returned to the employee.
 - 2. A claim is submitted before the last City Council meeting prior to the start of classes. (Evidence of the final grade must be forthcoming within 30 days of the completion of the course or written notice will be given to the employee stating that the amount of the tuition fees will be deducted from the next pay check.)
- C. City employees who are taking courses or attending seminars are authorized to use city vehicles for transportation to such courses when one or more of the following conditions are applicable:
 - 1. The employee is required by the department head to enroll in and attend the course or seminar.
 - 2. The employee attends a workshop of relatively short duration that is

conducted during normal duty hours.

3. The employee is required by the department head to attend special courses or seminars given by a manufacturer or professional organization.
- D. The payment of mileage fees for the use of private vehicles will be made only when the use of a city vehicle is not practical and when one or more of the conditions described above in Item C is applicable. Justification for mileage must be submitted in writing to the City Manager's Office and signed by the employee and the department head prior to the start of the course or seminar.

SECTION 2. GUIDELINE FOR APPROVING TRAINING COURSES

A. Guidelines

1. For purposes of this section, a training course is considered to be a regular college course, seminar, conference, institute or other educational experience not offered locally which would require an expenditure of city funds.
2. The course should be directly related to the duties being performed or that will be assumed within the near future. Placement of an individual's name on an eligible list should not be used as the sole criteria in determining whether new duties will be assumed in the near future. Lower classifications should generally be concerned with courses which will develop their technical skills. As they are promoted, greater stress should be given to courses emphasizing supervisory and administrative skills.
3. Each application should be checked to determine if funds have been budgeted for the course.
4. Scheduling
 - (a) All courses should be scheduled for off-duty time whenever possible.
 - (b) Department head (division head in the larger departments) should determine if the loss of the employee will cause a problem in fulfilling the mission of the department.
 - (c) In those instances where more than one individual requests the same course, adequate justification must be given by the department head if he/she thinks more than one employee should attend the course.

5. A course should not be approved if it duplicates courses with comparable training at Chaffey College or other local junior college.
6. Each application should be verified to determine that it does not duplicate prior courses taken by the individual.
7. Each applicant's file should be checked to determine the last time a course was attended. Employees in a department, whenever practical, should be given equal opportunity to attend training courses.
8. A Request For Approval of Training Course form must be completed prior to the employee's participation in any training course. (Appendix E).

SECTION 3. CREDIT FOR TRAINING

Participation in and successful completion of special training courses may be considered in promotions and advancements. The evidence for such training activity shall be filed with the employee's department and the Personnel Office. The filing of such material is the responsibility of the employee.

SECTION 4. EDUCATIONAL INCENTIVE PROGRAMS

A. ENGINEERING, BUILDING, PLANNING AND PURCHASING DEPARTMENTS

1. General Guidelines

- (a) The conversion factor for semester units to quarter units shall be 1 1/2 quarter units equals 1 semester unit. A semester shall be considered 18 weeks and a quarter 12 weeks. Each course shall be given the appropriate number of quarter units to the nearest .1 and the total shall be rounded to the nearest unit.
- (b) It shall be the employee's responsibility to show proof of all successfully completed courses (grade of "C" or better) and to have these courses submitted to the Personnel Department for placement in the employee's personnel file.
- (c) Educational incentive pay is not to be considered a part of the employee's base pay and in order to achieve and maintain the incentive, the employee must be performing in a meritorious manner and with increased productivity, as determined by the Department Head.
- (d) Employees on temporary status or in the initial probationary period shall not be eligible for educational incentive pay. Employees receiving educational incentive pay and who receive

a promotion, shall have one year to complete educational incentive requirements for that classification in order to retain their educational incentive pay.

- (e) To be eligible for education incentive pay, the education/certification must be earned while employed with the City of Ontario.
- (f) The maximum incentive attainable under this program is one full step.
- (g) The incentive shall be effective on the first day of the pay period following the employee's written request to the Department Head, including proof of certification or completion of the units required, and after approval by the Personnel Officer.
- (h) Correspondence courses in a degree program from recognized schools of engineering, and approved by the City Engineer, shall be acceptable for the incentive program.
- (i) Employees applying for educational incentive must submit a course outline for degree program in which they are enrolled. Related college curriculum other than engineering and planning may be submitted to the City Engineer or City Planner for consideration of incentive pay. Such curriculum will be subject to recommendation by the City Engineer or City Planner to the City Manager for final approval.
- (j) In an effort to provide the greatest flexibility and potential for departmental utilization of certified employees in the area of certification, employees in the Billing Department agree to discuss the program with the Building Official prior to enrollment.
- (k) It is understood that re-certification for the Building Department incentive is required every three years, and that the re-certification must be accomplished in order to retain the educational incentive award.

2. Senior Duplicating Machine Operator

- (a) A one-time bonus of 2 1/2% of an employee's annual salary will be granted to those employees with a Graphics Technology Certificate.

3. Engineering Aide I and Planning Aide

- (a) A one-time bonus of 5% of an employee's annual salary will be granted to those employees after completion of two years of college with an Associate degree in engineering or planning, or equivalent progress in a Bachelor's program in engineering or planning.
- (b) A one-time bonus of 2 1/2% of an employee's annual salary will be granted to those employees after completion of one-half (1/2) of core courses in Associate degree program in engineering or equivalent course work in Bachelor's program. Continued enrollment in a degree program must be maintained at a level sufficient to achieve Associate degree within three years or equivalent level of course work in a Bachelor's program.

4. Engineering Aide II and Construction Inspector

- (a) A one-time bonus of 5% of an employee's annual salary will be granted to those employees who receive a Bachelor's degree in engineering.
- (b) A one-time bonus of 3 1/2% of an employee's annual salary will be granted to those employees who receive an E.I.T. certificate.
- (c) A one-time bonus of 2 1/2% of an employee's annual salary will be granted to those employees after completion of college with an Associate degree in engineering, or have completed one-half (1/2) of the core courses in Bachelor's program with progress being made toward the achievement of a Bachelor's degree within six years.

5. Senior Construction Inspector and Survey Party Chief

- (a) Full-Step - Employee in possession of a Land Surveyor's license will be eligible for one step incentive.
- (b) A one-time bonus of 5% of an employee's annual salary will be granted to those employees who receive a Bachelor's degree in engineering or an E.I.T. certificate.
- (c) A one-time bonus of 2 1/2% of an employee's annual salary will be granted to those employees who receive an L.S.I.T. certificate or after completion of Associate degree program in Engineering or have completed one-half (1/2) of the core courses in a Bachelor's program in Engineering. Must be enrolled in a Bachelor's program with progress being made toward the achievement of a Bachelor's degree within six years.

6. Engineering Assistant and Assistant Planner
 - (a) Full- Step - Registered Civil Engineer's license.
 - (b) Half-Step - Land Surveyor's license.
 - (c) A one- time bonus of 5% of an employee's annual salary will be granted to those employees who receive a Master's degree in engineering, planning, or closely related field as approved by the City Engineer or City Planner.
 - (d) A one-time bonus of 2 1/2% of an employee's annual salary will be granted to those employees who receive an E.I.T. certificate, an A.P.A. approved or Urban Planning Certificate, or a Bachelor's degree in engineering, planning, or closely related field as approved by the City Engineer or City Planner.
7. Associate Civil Engineer
 - (a) A one-time bonus of 5% of an employee's annual salary for any employee who receives a Master's degree in chemistry, biology, or related science major as may be approved by the City Engineer in accordance with guideline A (8) above.
 - (b) A one-time bonus of 2 1/2% of an employee's annual salary for employees who receive a Bachelor's degree in chemistry, biology, or related science major as may be approved by the City Engineer in accordance with guideline "A" above.
8. Building Inspector, Senior Housing Rehabilitation Specialist, Housing Rehabilitation Specialist II, and Code Enforcement Inspector
 - (a) Half-Step - Certification by the International Conference of Building Officials as a Certified Combination Inspector.
9. Assistant Civil Engineer and Associate Planner
 - (a) Full-Step - Registered Civil Engineer's License (Assistant Civil Engineer)
 - (b) A one-time bonus of 2 1/2% of an employee's annual salary will be granted to those employees who receive an APA approved or Urban Planning Certificate, or a Master's degree in engineering, planning, or closely related field as approved by the City Engineer or City Planner.

B. Police Officers Educational Incentive Program

1. Effective January 1, 1991 the following educational incentive program will replace all programs currently in effect, including the one time bonus plan, on-going compensation plan and tuition reimbursement practice.
 - (a) Employees who have in their possession or who obtain in the future an AA Degree, AS Degree, or Intermediate POST Certificate will receive \$50.00 per month in addition to their base compensation.
 - (b) Employees who have in their possession or who obtain in the future a BA Degree, BS Degree, or Advance POST will receive \$50.00 per month in addition to their base compensation.
2. Subsections (a) and (b) shall be cumulative allowing an employee to earn a minimum of \$50 if the employee qualifies for either Subsection (a) or Subsection (b). An employee may earn a maximum of \$100 per month if the employee qualifies for both Subsections of (a) and (b).

C. EQUIPMENT SERVICES DEPARTMENT

Due to changing technology, changing repair procedures, and the on-going necessity for people in the automotive repair field to continue to study and attend training classes on their own initiative, Equipment Mechanic II's and Senior Equipment Mechanics in the Equipment Service Department will receive 5% educational incentive pay, or the equivalent of one full salary step increase upon acquisition of the State Smog Lights and Brake Certificates, the heavy duty General Mechanic Certificate from ASE, and a Class II driver's license.

1. General Guidelines
 - (a) The incentive pay shall be effective on the first day of the pay period following the employee's written request to the Equipment Services Superintendent and presentation of proof of certificates.
 - (b) Educational incentive pay is not to be considered a part of the employees base pay and in order to achieve and maintain the incentive, the employee must be performing in a meritorious manner, and with increased proficiency as demonstrated in merit reviews, and continue to maintain current active certificates.
 - (c) Equipment Mechanic II's and Senior Equipment Mechanics in all salary step ranges, including "E" Step, shall be eligible for educational incentive pay after they have successfully passed

the probationary period for permanent employees.

- (d) Employees on temporary status or in the initial probationary period shall not be eligible for educational incentive pay.
- (e) The maximum incentive pay attainable under this program is 5% or the equivalent of one full salary step increase.

SECTION 5. CPR AND FIRST-AID TRAINING

*** (Unit 6 - Miscellaneous Services)**

The City agrees to provide CPR and first-aid training through the Ontario Fire Department, when available, to two employees per year per Department in the Public Services Agency. Names of employees qualified to give first-aid and CPR shall be posted at the Municipal Services Center.

RULE XVI. UNION BUSINESS/ACTIVITY

SECTION 1. EMPLOYEE ORGANIZATION MEMBERSHIP

Membership in any labor union or employee organization is not compulsory and any decision concerning any organization is at the discretion of the employee.

No employee may join or belong to any organization which advocates the overthrow of constituted authority by force, violence, or other unlawful means.

Any employee guilty of attempting to coerce or intimidate any other employee concerning this rule will be subject to disciplinary action.

Refer to specific Memorandum of Understanding for membership requirements.

SECTION 2. DUES DEDUCTION

General provisions for all employee groups:

- A. The city will deduct from the pay of each employee who signs an authorized payroll deduction card a monthly sum certified to the employee by the secretary of the employee organization as the regular monthly dues of the organization. The city will not deduct any pay for initiation fees, fines or other special assessments. Dues deduction shall be a specified uniform amount for each employee and any change in the amount of dues shall be written authorization of each member of the employee organization.
- B. The employee's earnings must be regularly sufficient after other legal and required deductions are made to cover the amount of the dues check-off authorized. When a member in good standing of the union is in a non-pay status for an entire pay period, no dues withholding will be made to cover that period from future earnings, nor will the member deposit the amount with the city which would have been withheld if the member had been in a pay status during that period. In the case of an employee who is in a non-pay status during only part of the pay period and the salary is not sufficient to cover the full withholding, no deduction shall be made. In this connection, all other legal and required deductions have priority over employee organization dues.
- C. Dues withheld by the city shall be transmitted to the officer designated by the employee organization in writing at the address specified in the letter of authorization.
- D. The employee organization shall indemnify, defend, and hold the City of Ontario harmless against any claims made, and against any suit instituted against the City of Ontario on account of check-off of employee organization

dues. In addition, the employee organization shall refund to the City of Ontario any amounts paid to it in error, upon presentation of supporting evidence. The city will also, upon presentation of proper supporting evidence, adjust any clerical errors made in deducting employee organization dues.

- E. Any employee may revoke his/her authorization for deduction of union dues only as provided by the terms set forth on the deduction form or in the Memorandum of Understanding. Refer to the appropriate M.O.U. for details. The format for dues authorization cards for the various employee organizations is found in Appendix F.
- F. An employee organization may submit its own authorization card if it is substantially similar to those outlined in Appendix F and which is acceptable to the City Manager.
- G. Any additional deductions beyond the normal dues for the employee organization will be shown separately.

SECTION 3. MANAGEMENT/EMPLOYEE RELATIONS PROGRAM

* (Unit 4 - Police)

A program exists within the Police Department for the purpose of strengthening and improving the working relationship between management and supervisory personnel and the employees. The objectives of the program include, but are not limited to, the clarification of rules, regulations, and policies of the City; to improve communication between union stewards and officers and City management and supervisory personnel; to curb, if not eliminate, rumors and pressures which are detrimental to employee morale and the employer-employee relationship; to encourage joint solutions to problems of mutual concern; and to strengthen and improve the use of existing and agreed upon procedures which serve to protect the interests of the employee and employer.

* (Unit 6 - Miscellaneous Services)

If either the Union or City feels that a need exists to meet, the Department Head and the Steward(s) from the Department agree to meet once a month for a maximum of one (1) hour, in an effort to strengthen and improve the working relationships between management, supervisory personnel, employees, and the Union. The subject of the meeting may include but is not limited to, the clarification of rules, regulations, and policies of the City; improved communication; the elimination of rumors and pressures which are detrimental to employee morale and the employer-employee relationship; the encouragement of joint solutions to problems of mutual concern; the strengthening and improvement of the use of existing and agreed upon procedures which serve to protect mutual interests.

Either party contact the other when a meeting is desired in order to set a mutually

agreeable date. An agenda will be submitted to each party forty-eight (48) hours prior to the meeting. The agenda shall include a brief discussion of each item to be discussed.

Participants in these meetings shall be as follows in each of the designated area:

<u>Area</u>	<u>Union Representative</u>	<u>Management Representative</u>
Solid Waste Dept.	Steward	Solid Waste Supt.
Streets Department	Steward	Streets Supt.
Utilities Department	Steward	Utilities Supt.
Equipment Svcs. Dept.	Steward	Equipt Fleet Supt.
Parks Department	Steward	Parks Director
Library Steward	Steward	Library Director
Fire Department	Steward	Fire Chief
City Hall	Steward or President of Local	Assistant City Mgr.
Police Department	Steward	Police Chief

General Guidelines for these meetings will be as follows:

- A. It is not the intent of these meetings to serve as a substitute for other specific administrative, judicial, or quasi-judicial agencies.
- B. No grievances being processed under another part of this Agreement shall be discussed and no bargaining shall take place.
- C. Topics that could lead to grievances may be discussed.
- D. Each topic shall be discussed fully and action reached before proceeding to another topic. Topics requiring further study may be tabled. When mutually satisfactory decisions are not reached, the parties may pursue such topics in any other manner that is lawful.
- E. Only those topics on the agenda shall be discussed unless it is an emergency item which may be added by mutual consent.

SECTION 4. UNION/ASSOCIATION BUSINESS RELEASE TIME

* (Unit 2 - Fire)

The City will permit the use of exchange time by Union members for the purpose of conducting authorized Union business. The Union agrees to provide an appropriate replacement during that period of time. The Union further agrees to assume any and all financial liability for wages which the replacement may claim against the City for the time worked as a replacement by reason of this article. The City and the Union will meet and confer on any changes in this policy as may be made necessary by other legislation.

* (Unit 3 - Management Unit, Unit 7 - Police Management Unit, Unit 12 - Fire Management Unit)

A designated member of the Group may receive reasonable release time to represent another unit member in matters relative to working conditions. Such release time shall be accommodated only after operational needs of the releasing department are met.

* (Unit 4 - Police)

Association board members shall be entitled to devote a reasonable amount of time to Association business without loss of compensation or benefits. Prior to participating in such business the board member(s) or designee(s) shall obtain authorization from their immediate supervisor. Denial of such request shall not be arbitrary, capricious or otherwise contrary to the spirit and intent of the M.O.U. If the request is denied, the immediate supervisor shall establish an alternative time convenient to the parties when the representative can be released from his/her work assignment.

* (Unit 5 - Technical/Professional Services)

One Union/Association Steward per Department employed by the City of Ontario, shall be entitled to devote a reasonable amount of time to Union/ Association business without loss of pay. Prior to participating in such business, the Steward shall first obtain authorization from his/her immediate supervisor. The immediate supervisor may deny such request if it is deemed that such a request would unduly interfere with the efficiency, safety, or security of City operations. If the request is denied, the immediate supervisor will establish an alternate time convenient to the parties when the representative can be released from his/her work assignment.

* (Unit 6 - Miscellaneous Services)

An employee who is elected or appointed to Union office may be granted leave of absence from the City without pay for up to a six month period to attend

conferences, conventions, or special training schools related to Union affairs.

This leave of absence shall be governed by the conditions for leaves of absence as outlined in Rule X, of the Personnel Rules and Regulations. This leave shall not constitute a break in service leaving seniority rights unimpaired.

One Union Steward per Department employed by the City of Ontario, shall be entitled to devote a reasonable amount of time to Union business without loss of pay. Prior to participating in such business, the Steward shall first obtain authorization from his/her immediate supervisor. The immediate supervisor may deny such request if it is deemed that such a request would unduly interfere with the efficiency, safety, or security of City operations. If the request is denied, the immediate supervisor will establish an alternate time convenient to the parties when the representative can be released from his work assignment.

The Union expressly recognizes that the City reserves the right to unilaterally discontinue this program at any time. However, the City agrees that prior to taking such action, the City will meet and consult with representatives of the Union, the nature of the intended action.

SECTION 5. SHIFT CHANGE FOR UNION MEETINGS

* (Unit 6 - Miscellaneous Services)

All night shift Union stewards have the option subject to formal approval of the supervisor, to switch to a day shift, once per month, in order to attend Union meetings. The night shift steward shall notify the supervisor at least one week in advance of the intended switch to a day shift for one day.

SECTION 6. DESIGNATION OF UNION STEWARDS

* (Unit 5 - Technical/Professional Services)

Employees selected by the Association to act as Association representatives shall be known as "Stewards". The name of employees selected as Stewards, and the names of other Association representatives who may represent employees shall be certified in writing to the employer by the Association.

* (Unit 6 - Miscellaneous Services)

Employees selected by the Union to act as Union representatives shall be known as "stewards." The name of employees selected as stewards and the names of other Union representatives who may represent employees shall be certified in writing to the employer by the local Union.

A minimum of one steward on each shift for each foreman or supervisor; if any foreman or supervisor supervises 50 employees, there shall be at least two stewards

in the section under the supervision of such person; an additional steward shall be selected for each 25 employees beyond 50 employees in each section.

The formula for determining the number of Union stewards is intended to provide minimum Union representation; it shall not be construed to limit the Union's right to select the number of stewards required to represent properly, the employees in the bargaining unit.

SECTION 7. CONFIDENTIAL EMPLOYEES

All administrative clerical personnel within the Personnel and City Manager's Office, and all classifications specified in Section 1 of the pay plan are considered Confidential classifications and are excluded from participation in all facets of the "meet and confer" process.

SECTION 8. UNLAWFUL ACTIVITIES

*** (Unit 4 - Police, Unit 5 - Technical/Professional)**

The Association, its officers, agents, representatives and/or members will not cause, condone or participate in any strike, walkout, work stoppage, job action, slow down, speed up, sick-out, refusal or failure to faithfully perform assigned duties and responsibilities, withholding of services or other interference with City operations, including compliance with the request of other labor organizations within the City to engage in any or all of the preceding activities.

In the event of such activities, the Association shall immediately instruct any persons engaging in such conduct that they are in violation of the M.O.U. and that they are engaging in unlawful conduct, and that they should immediately cease engaging in such conduct and resume full and faithful performance of their job duties.

In addition to other lawful remedies for the disciplinary action available to the City, the City may, in addition to the above, invoke any and all remedies available to it under its Employer-Employee Relations Section of the Personnel Rules and Regulations.

*** (Unit 6 - Miscellaneous Services)**

The Union, its officers and/or members will not promote or support any illegal concerted effort which affects the performance of their assigned duties and responsibilities.

*** (Unit 5 - Technical/Professional Services)**

In addition, the City will not participate in any unlawful labor practices.

RULE XVII. POLITICAL ACTIVITY

SECTION I. RESTRICTIONS

City employees should be aware that the Government Code of the State of California, Sections 3201 - 3209, imposes certain restrictions on political activities of city and other government employees.

The following restrictions are applicable to all city employees:

- A. A city employee shall not participate in any political activity while in uniform. This applies not only to fire and police personnel but to a non-safety employee required or authorized to wear any type of city uniform.
- B. A city employee who uses a badge or insignia as evidence of his/her authority shall not use his/her badge or insignia in any way to advance the interests of a political candidate. This includes business cards.
- C. A city employee shall not use his/her influence or authority to confer or withhold or promise to confer or withhold any position, promotion, salary change, or other personnel action for the purpose of influencing the political action of another.
- D. A city employee shall not permit any office or place of work in the city to be used for the purpose of making or giving notice of any political assessment subscription or contribution. This does not apply to any public auditorium, park or any other place used for political rallies and where governmental business is not conducted.
- E. A city employee shall not participate in political activities or conduct the business of a political candidate while on duty or during work hours.

RULE XVIII. RELATIVES

It is the policy of the City not to discriminate in its employment and personnel actions with respect to its employees, prospective employees and applicants on the basis of family relationships. No employee, prospective employee, or applicant shall be denied employment or benefits of employment solely on the basis of his or her family relationships.

Notwithstanding the above provisions, the City retains the right:

- A. To refuse to place one relative under direct supervision of another where such has the potential for creating adverse impact on supervision, safety, security or morale.
- B. To refuse to place both relatives in the same department, division, or facility where such has the potential for creating adverse impact in supervision, safety, security, or morale, or involves potential conflicts in interest.

RULE XIX. RESIDENCE

SECTION 1. FIRE DEPARTMENT EMPLOYEES

Fire Department employees assigned to standby response functions within the classifications of Fire Equipment Mechanic, Senior Communications Technician, and Communications Technician, and receiving a salary adjustment for standby duty, shall be required to reside within a thirty (30) minute response time to the geographical proximity of Mission Boulevard and Grove Avenue.

Non-shift Fire Department employees assigned to response functions during emergencies such as the "Duty" Fire Prevention Inspector, shall be required to reside within a reasonable response time to the geographical proximity of Mission Boulevard and Grove Avenue. Expectations are that with "paging notification", reasonable response time would be approximately thirty (30) minutes.

SECTION 2. PUBLIC SERVICE AGENCY EMPLOYEES

Public Service Agency employees in the classifications of Heavy Equipment Operator, and Public Service Technician, who reside within a reasonable response time to the Public Services Yard are eligible to participate in the standby program provided they are qualified to do so. (See Rule IV COMPENSATION for additional information.)

RULE XX. EMPLOYEE CONDUCT

SECTION 1. OUTSIDE EMPLOYMENT

Full time city employees may not carry on concurrently with their public service any private business or undertaking, attention to which affects the time or quality of their work or which casts discredit upon or creates embarrassment for the city government.

Outside employment, other than special police work, must be authorized by the department head and the City Manager.

SECTION 2. PERSONAL CONDUCT

Employees are required at all times to conduct themselves in such a manner as to reflect no discredit upon the City of Ontario as specified by the Code Ethics, Rule XXII.

SECTION 3. OFFICIAL BADGE OR INSIGNIA

No city employee who uses a badge or insignia as evidence of his/her authority shall allow it to be used by any other individual. Neither shall the city employee use his/her badge or insignia in any way to advance a private interest. Any infraction of this rule shall result in immediate disciplinary action by the department head concerned.

SECTION 4. FINANCIAL AFFAIRS

Employees shall so arrange their personal financial affairs that creditor and collection agencies will not have to make use of the offices of the City Manager or department heads for the purposes of making collections. Failure on the part of the employees to meet just obligations shall be grounds for disciplinary action or dismissal.

SECTION 5. EMERGENCY DATA

The Emergency Data information card is required to enable the Personnel Office to notify a relative in the event of an emergency or to complete the necessary documents in the event of the death of an employee. Complete and up-to-date information can expedite the process of securing the benefits for the beneficiaries.

- A. The Emergency Data Card will be completed as a part of the initial processing.

- B. Any changes affecting the information on the card should be submitted within three days to the Personnel Office.
- C. All information should be verified for accuracy.

SECTION 6. GROOMING STANDARDS

* (Unit 2 - Fire)

- A. Mustaches must have a neat appearance. They must be trimmed in such a manner that they shall not extend further than 1/2" below the corner of the mouth, nor shall they meet the sideburns.
- B. Sideburns shall be neatly trimmed and present a groomed appearance. They shall not extend beyond a horizontal line drawn 1/2" below the corners of the mouth. They shall not flare wider than a point drawn on a vertical line from the outside corners of the eyes.
- C. Hair when groomed shall be neat, cleaned, and trimmed. Hair shall not extend below the bottom of the collar when standing at attention. Hair in front shall be groomed so that it does not fall below the eyebrows when a person is uncovered and it shall not bush out below the band in the front of a properly worn headgear. The hair shall not fall below the bottom of the ear and in no case shall the bulk or length of the hair interfere with the proper wearing of any safety equipment. The exact maximum length of the hair is not specified.
- D. Beards shall not be worn. (Exceptions may be authorized for brief periods of time for medical reasons or special occasions).

SECTION 7. ALCOHOL AND DRUG ABUSE POLICY

A. PURPOSE

It is the policy of the City of Ontario to maintain a safe, healthful and productive work environment for all employees. This policy provides guidelines for the detection and deterrence of alcohol and drug abuse. It also outlines the responsibilities of City management personnel and employees. To that end the City will act to eliminate any substance abuse (alcohol, illegal drugs, prescription drugs or any other substance which would impair an employee's ability to safely and effectively perform the functions of the particular job) which increases the potential for accidents, absenteeism, substandard performance, poor employee morale or damage to the City's reputation. All persons covered by this policy should be aware that violations of the policy may result in discipline, up to and including termination.

In recognition of the serious duty entrusted to the employees of the City, with knowledge that drugs and alcohol do hinder a person's ability to perform duties safely and effectively, the following policy against drug and alcohol abuse is hereby adopted by the City.

B. POLICY

It is the City policy that employees shall not report to work under the influence of alcohol or drugs, possess, while on duty or on "standby" or utilize such substances while they are subject to City duty, sell or provide drugs or alcohol to any other employee or to any person while such employee is on duty or subject to being called, or have their ability to work impaired as a result of the use of alcohol or drugs.

Medication or drugs are defined as wither "over the counter" drugs or drugs specifically prescribed for the employee. While use of medications or drugs is not per se a violation of this policy, failure by the employee to notify his/her supervisor, before beginning work, when taking medications or drugs which may interfere with the safe and effective performance of duties or operation of City equipment can result in discipline, up to and including termination. In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medications or drugs, clearance from a qualified physician will be required.

The City and the Unions/Associations have established a voluntary Employee Assistance Program (EAP) to assist most employees who voluntarily seek help for alcohol or drug problems. Employees should contact their supervisors for additional information.

The City reserves the right to search, when there is "reasonable suspicion" (see Section E, Subsection 2) that an employee may have a substance in his or her possession, without employee consent, all areas and property in which the City maintains joint control with the employee or full control. Otherwise, the City may notify the appropriate law enforcement agency that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the City.

Violations of this policy shall be grounds for disciplinary action, up to and including discharge. Refusal to submit immediately to an alcohol and/or drug analysis when requested by the City management or law enforcement personnel may constitute insubordination and may be grounds for discipline up to and including termination.

Employees reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work and will be requested to remain at the work site for a reasonable time until a supervisor, Management level employee or law enforcement representative can transport the employee

from the work site.

C. APPLICATION

This policy applies to all employees of the City. This policy applies to alcohol and to all substances, drugs, or medications, legal or illegal, which could impair an employee's ability to effectively and safely perform the functions of the job.

D. EMPLOYEE RESPONSIBILITIES

An employee must:

1. Not report to work or be subject to duty while his/her ability to perform job duties is impaired due to alcohol or drug use;
2. Not possess or use, alcohol or drugs (illegal drugs and prescription drugs not prescribed for the employee) during working hours or while subject do duty, or at any time while on City property;
3. Not directly or through a third party sell or provide drugs or alcohol to any person or to any other employee while either employee or both employees are on duty or on standby duty;
4. Submit immediately to an alcohol and drug analysis when requested by their supervisor when there is a "reasonable suspicion" (see E (2) below) that they are under the influence of drugs or alcohol or be faced with discipline.
5. Notify his/her supervisor, before beginning work, when taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties or operation of City equipment; and
6. Provide within 24 hours of request evidence of a current valid prescription for any drug or medication identified when a drug screen/analysis is positive. The prescription must be in the employee's name.

E. MANAGEMENT RESPONSIBILITIES AND GUIDELINES

1. Managers and supervisors are responsible for consistent enforcement of this policy.
2. Managers and supervisors may request that an employee submit to a drug and/or alcohol analysis when a manager or supervisor has a reasonable suspicion that an employee is intoxicated or under the

influence of drugs or alcohol. "Reasonable suspicion" is a belief based on objective and articulable facts sufficient to lead a reasonable prudent supervisor to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform his/her job safely is reduced.

For example, any of the following, alone or in combination, may constitute reasonable suspicion:

- (a) Slurred speech;
 - (b) Alcohol on breath;
 - (c) Inability to walk a straight line;
 - (d) An accident involving City property where it appears that the employee is at fault;
 - (e) Physical or verbal altercations initiated by the employee;
 - (f) Behavior which is so unusual for that employee that it warrants summoning a supervisor or anyone else with authority;
 - (g) Possession of alcohol or illegal drugs;
- 3. Any manager or supervisor requesting an employee to submit to a drug and/or alcohol analysis should document in writing the facts constituting reasonable suspicion that the employee in question is intoxicated or under the influence of drugs.
 - 4. If possible, any manager or supervisor should get the approval of the Personnel Director (in the case of a disciplinary action) or the Risk Manager (in the case of accident) prior to ordering an employee to submit to a drug and/or alcohol analysis.
 - 5. Any manager or supervisor encountering an employee who refuses to submit to a drug and/or alcohol analysis upon request shall remind the employee of the requirements and consequences of this policy. Any employee refusing to submit to a drug and/or alcohol test shall not be forced to submit to such testing. The manager or supervisor should request the employee to remain at the work site for a reasonable time until a supervisor management-level employee or law enforcement representative can transport the employee.
 - 6. Managers and supervisors shall not physically search employees.
 - 7. Managers and supervisors shall notify the appropriate law enforcement

agency when they have reasonable suspicion to believe that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the City.

8. Managers and supervisors shall not confiscate, without the employee's consent, prescription drugs or medications from an employee who has a prescription.

F. PHYSICAL EXAMINATION AND PROCEDURE

The drug and/or alcohol analysis may test for any substance which could impair an employee's ability to effectively and safely perform the functions of his/her job, including, but not limited to prescription medications, heroin, cocaine, morphine and its derivatives, P.C.P., methadone, barbiturates, amphetamines, marijuana and other cannabinoids.

G. RESULTS OF DRUG AND/OR ALCOHOL ANALYSIS

1. A positive result from a drug and/or alcohol analysis may result in disciplinary action, up to and including discharge.
2. If the drug screen is positive at any physical, the employee must provide within 24 hours of request 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 have a valid prescription, or if the prescription is not in the employee's name, or if the employee has not previously notified his or her supervisor, the employee will be subject to disciplinary action.
3. If an alcohol or drug analysis is positive for alcohol or drugs, the City shall conduct an investigation to gather all facts. The decision to discipline or discharge will be carried out in conformance with the City's pertinent discipline procedures. An employee may request another alcohol or drug analysis through another source at his/her own expense.

H. CONFIDENTIALITY

Positive laboratory reports or test results shall appear in an employee's personnel file. Information of this nature, however, will be included in a separate confidential medical folder contained within the employee's personnel file. 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 patient consent, may also occur when: (1) the information is compelled by law or by judicial or administrative

process; (2) the information has been placed at issue in a formal dispute between the employer and employee; (3) the information is to be used in administering an employee benefit plan; (4) the information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.

SECTION 8. SMOKING RESTRICTIONS

- A. Any non-smoking employee may object to his or her supervisor about smoke in his or her work place. Using already available means of ventilation or separation of partitions of office space, the supervisor shall attempt to reach a reasonable accommodation, insofar as possible, between the preferences of non-smoking employees. However, the supervisor is not required to make any expenditures or structural changes to accommodate the preferences of non-smoking or smoking employees.
- B. If an accommodation which is satisfactory to all affected non-smoking employees cannot be reached in any given office work place, the preferences of the non-smoking employees shall prevail and the supervisor shall prohibit smoking in that office work place. Where the supervisor prohibits smoking in an office work place, the area in which smoking is prohibited shall be posted as a no-smoking area with signs.

The smoking policies shall be announced within three (3) weeks of adoption to all employees working in the office work place, and shall be posted conspicuously in the office work place.

* (Unit 2 - Fire)

New employees hired into all classifications represented by the Union from eligibility lists established after January 1, 1988, will be required to remain non-smokers throughout their employment as a member of the Ontario Fire Department. A non-smoker shall not smoke or use any tobacco product, either on or off duty while employed. An affidavit signed on a periodic basis by the employee shall be used to verify continued non-smoking status.

SECTION 9. UNEXCUSED ABSENCE

An absence from work or three (3) consecutive working days without notifying the city, except when the failure to notify work is due to circumstances beyond the control of the employee, shall constitute an unexcused absence. The city shall send a written notice to the employee at the employee's last known address, notifying the employee that he/she has lost seniority and his/her employment has been terminated.

RULE XXI. RULE MAKING AUTHORITY

A department head may adopt and administer personnel regulations which are supplementary to, and not inconsistent with, the personnel rules and regulations of the City of Ontario.

RULE XXII. LOYALTY OATH

Before any person can be appointed to a position in the city, the following oath is required:

OATH OR AFFIRMATION OF ALLEGIANCE
FOR CIVIL DEFENSE WORKERS AND PUBLIC EMPLOYEES

I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

RULE XXIII. CODE OF ETHICS

SECTION 1. DECLARATION OF POLICY

The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a Code of Ethics for all officials and employees, whether elected or appointed, paid or unpaid. The purpose of this Code is to establish ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the city and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the city. The provisions and purpose of this Code and such rules and regulations as may be established are hereby declared to be in the best interests of the City of Ontario.

SECTION 2. RESPONSIBILITIES OF PUBLIC OFFICE

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and carry out impartially the laws of the nation, state, and municipality and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach.

SECTION 3. DEDICATED SERVICE

All officials and employees of the municipality should be loyal to the political objectives expressed by the electorate and the programs developed to attain those objectives. Appointive officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.

Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

SECTION 4. FAIR AND EQUAL TREATMENT

- A. Interest in Appointments. Canvassing of members of the Council, directly or indirectly, in order to obtain preferential consideration in connection with any appointment to the municipal service shall disqualify the candidate for appointment except with reference to positions filled by appointment by the Council.
- B. Use of Public Property No official or employee shall request or permit the use of city-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business.
- C. Obligations to Citizens. No official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

SECTION 5. CONFLICT OF INTEREST

No council member or other official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect; which is incompatible with the proper discharge of his/her official duties in the public interest or would tend to impair his/her independence of judgement or action in the performance of official duties. Personal as distinguished from financial interest includes an interest arising from blood or marriage relationships or close business or political association.

Specific conflicts of interest are enumerated below for the guidance of officials or employees:

- A. Incompatible Employment. No council member or other official or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his/her official duties or would tend to impair his/her independence of judgment or action in the performance of his/her official duties.
- B. Disclosure of Confidential Information. No council member or other official or employee shall, without proper legal authorization disclose confidential information concerning the property, government, or affairs of the city. Nor shall he/she use such information to advance the financial or other private interest of himself/herself or others.
- C. Gifts and Favors. No council member or other official or employee shall accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to his/her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the city; nor shall any such official or employee (1) accept any

gift, favor, or thing of value that may tend to influence him/her in the discharge of duties, or (2) grant in the discharge of duties any improper favor, service, or thing of value.

- D. Representing Private Interests Before City Agencies or Courts. No council member or other official or employee whose salary is paid in whole or in part by the city shall appear in behalf of private interests before any agency of the city. He/she shall not represent private interests in any action or proceeding against the interests of the city in any litigation to which the city is a party.

A council member may appear before city agencies on behalf of constituents in the course of his/her duties as a representative of the electorate or in the performance of public or civic obligations. However, no council member or other official or employee shall accept a retainer or compensation that is contingent upon a specific action by a city agency.

- E. Contracts With the City. Any council member or other official or employee who has a substantial or controlling financial interest in any business entity, transaction, or contract with the city, or in the sale of real estate, materials, supplies, or services to the city, shall make known to the proper authority such interest in any matter on which he/she may be called to act in his/her official capacity. He/she shall refrain from voting upon or otherwise participating in the transaction or the making of such contract or sale.

A council member or other official or employee shall not be deemed interested in any contract or purchase or sale of land or other thing of value unless such contract or sale is approved, awarded, entered into, or authorized by him/her in his/her official capacity.

- F. Disclosure of Interest in Legislation. A council member who has a financial or other private interest in any legislation shall disclose on the records of the Council or other appropriate authority the nature and extent of such interest. This provision shall not apply if the council member disqualifies himself/herself from voting.

Any other official or employee who has a financial or other private interest, and who participates in discussion with or gives an official opinion to the Council, shall disclose on the records of the Council or other appropriate authority the nature and extent of such interest.

SECTION 6. POLITICAL ACTIVITY

No appointive official or employee in the administrative service shall use the prestige of his/her position in behalf of any political party.

No appointive official or employee in the administrative service shall orally, by letter, or otherwise, solicit or be in any manner concerned in soliciting any assessment,

subscription, or contribution to any political party; nor shall he/she be a party to such solicitation by others. Such appointed officials and employees shall not take an active part in political campaigns for candidates in city elections.

No official or employee, whether elected or appointed, shall promise an appointment to any municipal position as a reward for any political activity.

SECTION 7. APPLICABILITY OF CODE

When a council member or other official or employee has doubt as to the applicability of a provision of this Code to a particular situation, he/she should apply to the Ontario City Council for interpretation. The council member or other official or employee shall have the opportunity to present his/her interpretation of the facts at issue and of the applicable provision(s) of the Code before an advisory decision is made. This Code shall be operative in all instances covered by its provisions except when superseded by an applicable statutory or charter provision and statutory or charter provision is discretionary but determined to be more appropriate or desirable.

SECTION 8. SANCTIONS

Violations of any provisions of this Code should raise conscientious questions for the council member or other official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interests of the city. Violation by a city employee may constitute a cause for suspension, removal from employment, or other disciplinary action.

RULE XXIV. EMPLOYER-EMPLOYEE RELATIONS

SECTION 1. EMPLOYER-EMPLOYEE RELATIONS RULES AND REGULATIONS

A. DEFINITIONS

As used in these rules and regulations, the following terms shall have the meanings indicated:

1. City - means the City of Ontario, a municipal corporation; and where appropriate herein, "city" refers to the City Council, the governing body of said city, or any duly authorized management employee as herein defined.
2. Consult or Consultation in Good Faith - means to communicate orally or in writing for the purpose of presenting and obtaining views or advising of intended actions.
3. Employee - means any person regularly employed by the city except those persons elected by popular vote.
4. Employee, Confidential - means an employee who is privy to decisions of city management affecting employer-employee relations.
5. Employee, Management - means any employee having significant responsibilities for formulating and administering city policies and programs, including, but not limited to, the chief executive officer and department heads.
6. Employee, Professional - means employees engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction including, but not limited to attorneys, physicians, registered nurses, engineers, architects, teachers, and various types of physical, chemical and biological scientists, firemen and policemen.
7. Employee, Supervisory - means any employee having authority to exercise independent judgement to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or having the responsibility to direct them, or to adjust their

grievances, or effectively recommend such action if in connection with the foregoing; the exercise of such authority is not of merely routine or clerical nature, but requires the use of independent judgement.

8. Employee Organization - means any organization which includes employees of the city and which has as one of its primary purposes representing such employees in their employment relations with the city.
9. Employer-Employee Relations - means the relationship between the city and its employees and their employee organizations, or when used in a general sense, the relationship between city management and employees or employee organizations.
10. Fact-Finding - is the placing of issues in dispute before an impartial, mutually agreed upon third party who then gives an advisory report and recommendations on all issues presented to him.
11. Impasse - means (1) deadlock in the annual (or periodical) discussions between a majority representative and the city over any matters concerning which they are required to meet and confer in good faith, or over the scope of such subject matter; or (2) any unresolved complaint by an affected employee organization, advanced in good faith, concerning a decision of the City Manager in accordance with Sections 8, 9, 10, and 11 of these rules and regulations.
12. Majority Representative - means an employee organization, or its duly authorized representative, that has been granted formal recognition by the City Manager as representing the majority of employees in an appropriate unit.
13. Mediation or Conciliation - means the efforts of an impartial, mutually agreed upon third person, or persons, functioning as intermediaries, to assist the parties in reaching a voluntary resolution to an impasse, through interpretation, suggestions and advice. Mediation and conciliation are interchangeable terms.
14. Meet and Confer in Good Faith (sometimes referred to herein as "meet and confer" or "meeting and conferring") - means performance by duly authorized city representatives and duly authorized representatives of an employee organization recognized as the majority representative of their mutual obligation to meet at reasonable times and to confer in good faith regarding matters within the scope of representation

including wages, hours, and other terms and conditions of employment in an effort to (1) reach agreement on those matters within the authority of such representatives, and (2) reach agreement on what will be recommended to the City Council on those matters within the decision-making authority of the City Council.

15. City Manager or Municipal Employee Relations Officer - means the city's principal representative in all matters of employer-employee relations as set forth in Ontario Municipal Code, Title 2, Chapter 3, Article 1, or his duly authorized representative.
16. Peace Officer - as this term is defined in Section 830, California Penal Code and as applied to sworn personnel in the Ontario Police and Fire Departments.
17. Recognized Employee Organizations - means an employee organization which has been acknowledged by the City Manager as an employee organization that represents employees of the City. The rights accompanying recognition are either:
 - (a) Formal Recognition - which is the right to meet and confer in good faith as the majority representative in an appropriate unit;
or
 - (b) Informal Recognition - which is the right to consultation in good faith by all recognized employee organizations.
18. Scope of Representation - means all matters relating to employment conditions and employer-employee relations including, but not limited to, wages, hours, and other terms and conditions of employment.

B. EMPLOYEE RIGHTS

Employees of the City shall have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations including, but not limited to, wages, hours, and other terms and conditions of employment. Employees of the City also shall have the right to refuse to join or participate in the activities of employee organizations and shall have the right to represent themselves individually in their employment relations with the City. No employee shall be interfered with, intimidated, restrained, coerced, or discriminated against because of the exercise of these rights.

C. CITY RIGHTS

The rights of the city include, but are not limited to, the exclusive right to determine the mission of its constituent departments, commissions, and boards; set standards of service; determine the procedure and standards of selection for employment and promotion; direct its employees; take disciplinary action; relieve its employees from duty because of lack of work or for other legitimate reasons; maintain the efficiency of government operations; determine the methods, means, and personnel by which government operations are to be conducted; determine the content of job classifications; take all necessary actions to carry out its mission in emergencies; and exercise complete control and discretion over its organization and the technology of performing its work.

D. MEET AND CONFER IN GOOD FAITH - SCOPE

1. The City, through its representatives, shall meet and confer in good faith with representatives of formally recognized employee organizations with majority representation rights regarding matters within the scope of representation including wages, hours, and other terms and conditions of employment within the appropriate unit.
2. The City shall not be required to meet and confer in good faith on any subject preempted by Federal or State law, nor shall it be required to meet and confer in good faith on employee or City rights as defined in Subsections B and C of Section 1. Any changes that may be deemed necessary from time to time in these rules and regulations shall be excluded from the scope of meeting and conferring.

The City, through its representatives, and representatives of recognized employee associations may, by mutual agreement, meet and confer on matters of employment not prohibited by these rules and regulations.

3. The City will make available to employee organizations such non-confidential information pertaining to employment relations as is contained in the public records of the agency subject to the limitations and conditions set forth in these rules and regulations and Government Code Sections 6250-6260.

Such information shall be made available during regular office hours in accordance with the City's rules and procedures for making public records available and after payment of reasonable costs, where

applicable.

To facilitate the meeting and conferring process, the City Manager shall provide to recognized employee organizations concerned, the published data it regularly has available concerning subjects under consideration in meeting and conferring including data gathered concerning salaries and other terms and conditions of employment provided by comparable public and private employers, provided that when such data is gathered on a promise to keep its source confidential, the data may be provided in statistical summaries but the sources shall not be revealed.

Nothing in this rule shall be construed to require disclosure of records that are:

- (a) Personnel, medical and similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy or be contrary to merit system principles;
- (b) Working papers or memoranda which are not retained in the ordinary course of business or any records where the public interest is served by not making the record available clearly outweighs the public interest served by disclosure of the record;
- (c) Records pertaining to pending litigations to which the City is a party, or to claims or appeals which have not been settled;
- (d) Nothing in this rule shall be construed as requiring the City to do research for an inquirer or to do programming or assemble data in a manner other than usually done by the agency.

E. CONSULTATION IN GOOD FAITH - SCOPE

All matters affecting employer-employee relations, including those that are not subject to meeting and conferring, are subject to consultation. The City, through its representatives, shall consult in good faith with representatives of all recognized employee organizations on employer-employee relations matters which affect them. Consultation consists of communicating verbally or in writing between the City Manager and representatives of recognized employee organizations that are affected on matters relating to employer-employee relations before any action is taken.

F. ADVANCE NOTICE

Reasonable written notice shall be given to each recognized employee organization affected by any ordinance, rule, resolution, or regulations directly relating to matters within the scope of representation proposed to be adopted by the City Council or by any board or commission of the City, and shall be given the opportunity to meet with such body prior to adoption. Representatives of the recognized employee groups shall be given reasonable time off from their duties to meet and confer on all matters within the scope of meeting and conferring.

For purposes of attending scheduled meetings with the City Manager or other management representatives on subjects within the scope of presentation during regular work hours without loss of compensation, the formally recognized employee organization may select two employee representatives without regard to the size of the organization. Where circumstances warrant, the City Manager may approve the attendance at such meetings of additional employee representatives with or without loss of compensation. The employee organization shall, whenever practicable, submit the names of all such employee representatives to the City Manager at least two working days in advance of such meetings. Provided further:

1. That no employee representative shall leave his or her duty or work station or assignment without specific approval of the department head or other authorized City management official.
2. That any such meeting is subject to scheduling by City management in a manner consistent with operating needs and work schedules.

Nothing provided herein, however, shall limit or restrict City management from scheduling such meetings before or after regular duty or work hours under appropriate circumstances.

G. PRIVILEGES GRANTED TO RECOGNIZED EMPLOYEE GROUPS

1. Access to Work Locations

Reasonable access to employee work locations shall be granted officers of recognized employee organizations and their officially designated representatives for the purpose of processing grievances or contacting members of the organization concerning business within the scope of representation. Such officers or representatives shall not enter any work location without the consent of the department head or in the absence of the department head, his/her designated

representative or the Personnel Director. Access shall be restricted so as not to interfere with the normal operations of the department or with established safety or security requirements.

2. Use of City Facilities

Recognized employee organizations may, with the prior approval of the City Manager, be granted the use of City facilities during non-work hours for meetings of City employees provided space is available and provided further such meetings are not used for organizational activities or membership drives of City employees. However, City facilities may be used by employee organizations representing Fire and Police employees provided that such meetings do not interfere with the carrying out of their duties and are subject to the limitations stated above. All such requests for City facilities shall be in writing and shall state the purpose or purposes of the meeting. The City reserves the right to assess reasonable charges for the use of such facilities.

The use of City equipment other than items normally used in the conduct of business meetings, such as desks, chairs, ashtrays, and blackboards is strictly prohibited, the presence of such equipment in approved City facilities notwithstanding.

H. PETITION FOR RECOGNITION

There are two levels of employee organization recognition -formal and informal. The recognition requirements of each are set forth below:

1. Formal Recognition -the right of a majority representative in an appropriate unit, recognized in accordance with the procedures set forth in these rules and regulations, to meet and confer in good faith on all matters within the scope of representation. An employee organization that seeks formal recognition shall file a petition containing the information outlined below with the City Manager, in accordance with the procedures set forth in Section 13.
 - (a) Name and address of the employee organization.
 - (b) Names and titles of its officers.
 - (c) Names of employee organization representatives who are authorized to speak on behalf of its members.

- (d) A statement that the employee organization has, as one of its primary purposes, representing employees in their employment relations with the City.
- (e) A statement whether the employee organization is a chapter or local of, or affiliated directly or indirectly in any manner with a regional or state, or national or international organization, and if so, the name and address of each of such regional, state, national, or international organization.
- (f) Copies of the employee organization's constitution and bylaws certified by the local organization.
- (g) A designation of those persons, not exceeding two in number, and their addresses, to whom notice sent by regular United States mail will be deemed sufficient notice on the employee organization for any purpose other than legal process. In the event one of the individuals designated to receive notices from the City will be on a leave of absence for more than a week, the affected organization may appoint an alternate to receive notices during his absence. It will be the responsibility of the organization to notify the City Manager in writing whenever an alternate is to be appointed and for what period of time.
- (h) A statement that the employee organization has no restriction on membership based on race, color, creed, sex or national origin.
- (i) The job classifications or titles of employees in the unit claimed to be appropriate and the approximate number of member employees therein.
- (j) A statement that the employee organization has in its possession written proof, dated within six months of the date upon which the petition is filed, to establish that employees in the unit claimed to be appropriate have designated the employee organization to represent them in their employment relations with the City. Such written proof shall be submitted for confirmation to the City Manager or a mutually agreed upon disinterested third party.
- (k) A request that the City Manager recognize the employee organization as the majority representative of the employees in

the unit claimed to be appropriate for the purpose of meeting and conferring in good faith on all matters within the scope of representation.

2. Informal Recognition -the right to consult in good faith. An employee organization that seeks recognition for purposes of consultation in good faith shall file a petition with the City Manager containing the following information and documentation:
 - (a) All of the information enumerated in 1 (a) through (i) in the above section, inclusive.
 - (b) A statement that the employee organization has in its possession written proof, dated within six months of the date upon which the petition is filed, to establish that employees have designated the employee organization to represent them in their employment relations with the City. Such written proof shall be submitted for confirmation to the City Manager.
 - (c) A request that the City Manager recognize the employee organization for the purpose of consultation in good faith.
3. The petition, including all accompanying documents, shall be verified under oath by an official representative of the organization that the statements are true. All changes in such information shall be filed forthwith in like manner.
4. The City Manager shall grant formal recognition in writing to all employee organizations which have complied with 1 and 3 of Subsection H and have satisfied the requirements of 1 in Subsection I. Those organizations seeking informal recognition must comply with 2 and 3 of Subsection H. No employee may be represented by more than one recognized employee organization on all matters within the scope of representation and for the purposes of these rules and regulations.

I. REPRESENTATION PROCEEDINGS

1. Procedures for Determining Majority Representative

- (a) An employee organization that seeks formal recognition as the majority representative in an appropriate unit shall file a Petition for Recognition with the City Manager containing all of the

information set forth in Subsection H, accompanied by written proof that at least 30% of the employees in the unit claimed to be appropriate have designated the employee organization to represent them in their employment relations with the City. Upon receipt of the Petition for Recognition the City Manager shall determine whether:

- (1) there has been compliance with the requirements of the Petition for Recognition, **and**
 - (2) the proposed unit is an appropriate unit. If an affirmative decision is made by the City Manager on the foregoing two matters, he shall give notice of such request for formal recognition to the employees in the unit and shall take no action on said request for 30 days thereafter; if either of the foregoing matters is not affirmatively determined, the City Manager shall inform the employee organization of the reasons therefor in writing.
- (b) Within 30 days of the date notice to employees is given, any other employee organization (hereinafter referred to as the "challenging organization") may seek formal recognition in an overlapping unit by filing a Petition for Recognition provided, however, such challenging organization must submit written proof that it represents at least 30% of the employees in such unit. The City Manager shall hold a hearing on such overlapping petitions at which time all affected employee organizations shall be heard.

Thereafter, the City Manager shall determine the appropriate unit or units as between such proposed overlapping units in accordance with the criteria set forth in Subsection J of these rules and regulations.

- (c) If the written proof submitted by the employee organization in the unit found to be appropriate establishes that it represents more than 50% of the employees in such unit, the City Manager may, at his discretion, grant formal recognition to such employee organization without a secret ballot election.
- (d) When an employee organization in the unit found to be appropriate submits written proof that it represents 30% of the

employees in such unit, and it does not qualify for or has not been granted recognition pursuant to paragraph (c) above, the City Manager shall arrange for a secret ballot election to be conducted by the City Clerk. All challenging organizations who have submitted written proof that they represent at least 10% of the employees in the unit found to be appropriate, and have submitted a Petition for Recognition as required by Subsection H of these rules and regulations shall be included on the ballot. The choice of "no organization" shall also be included on the ballot. Employees entitled to vote in such election shall be those persons regularly employed in permanent positions within the unit who were employed during the pay period immediately prior to the date which is 15 days before the election, including those who did not work during such period because of illness, vacation, or authorized leaves of absence and who are employed by the City in the same unit on the date of election. An employee organization shall be granted formal recognition following an election or run-off election if:

- (1) that employee organization has received the vote of a numerical majority of all the employees voting provided that 60% of the employees in the appropriate unit have voted. In the event that 60% of the employees in the appropriate unit failed to vote, another election shall be scheduled within 90 days.
- (2) In an election involving three or more choices, where none of the choices receives a majority of the valid votes cast, a run-off election shall be conducted between the two choices receiving the largest number of valid votes cast. The rules governing an initial election shall also apply to a run-off election.

2. Procedures for the Decertification of an Established Unit

- (a) A petition for decertification alleging that an employee organization granted formal recognition is no longer the majority representative of the employees in an appropriate unit may be filed with the City Manager only during a period 180 days to 120 days prior to the expiration of a Memorandum of Understanding (i.e., if a Memorandum expired on July 1, the period when a decertification petition could be filed would extend from January 1 to March 3).

The petition for decertification may be filed by an employee, a group of employees or their representative, or an employee organization. The petition, including all accompanying documents, shall be verified, under oath, by the person signing it that its contents are true. It may be accompanied by a petition for recognition by a challenging organization. The petition for decertification shall contain the following information:

- (1) The name, address, and telephone number of the petitioner and a designated representative authorized to receive notices or requests for further information.
 - (2) The name of the formally recognized employee organization.
 - (3) An allegation that the formally recognized employee organization no longer represents a majority of the employees in the appropriate unit and any other relevant and material facts.
 - (4) Written proof that at least 30% of the employees in the unit do not desire to be represented by the formally recognized employee organization. Such written proof shall be dated within six months of the date upon which the petition is filed and shall be submitted for confirmation to the City Manager.
- (b) The City Manager shall arrange for a secret ballot election to determine if the formally recognized employee organization shall retain its recognition rights. The City Manager shall notify the formally recognized employee organization, in writing, 30 calendar days prior to any election. The formally recognized employee organization shall be decertified if a majority of those casting valid ballots vote for decertification provided that 60% of the employees in the appropriate unit voted. Another election may be scheduled within 90 days.

3. Procedures for the Modification of an Established Unit

A petition for modification of an established unit may be filed by an employee organization with the City Manager during the period for filing a petition for decertification. The petition for modification shall

contain all of the information set forth in Subsection H (1) of these rules and regulations along with a statement of all relevant facts in support of the proposed modified unit. The petition shall be accompanied by written proof that at least 50% of the employees within the proposed modified unit have designated the employee organization to represent them in their employment relations with the City.

The City Manager shall hold a hearing on the petition for modification at which time all affected employee organizations shall be notified by the City Manager 10 calendar days before any hearing is held. Thereafter, the City Manager shall determine the appropriate unit or units as between the existing unit and the proposed modified unit. If the City Manager determines that the proposed modified unit is the appropriate unit, he shall follow the procedures set forth in subsection "a" of this Section for determining formal recognition rights in such unit.

J. APPROPRIATE UNIT

The City Manager, after reviewing the petition filed by an employee organization seeking formal recognition as a majority representative, shall determine whether the proposed unit is an appropriate unit. The principal criterion in making this determination is whether there is a community of interest among such employees. The following factors, among others, are to be considered in making such determination:

1. Which unit will assure employees the fullest freedom in the exercise of their rights.
2. The history of employee relations:
 - (a) in the unit
 - (b) among other employees of the City
 - (c) in similar public employment
3. The effect of the unit on the efficient operation of the City and sound employer-employee relations.
4. The extent to which employees have common skills, working

conditions, job duties, or similar educational requirements.

5. The effect on the existing classification structure of dividing a single classification among two or more units.

Provided, however, no unit shall be established solely on the basis of the extent to which employees in the proposed unit have organized.

K. RECOGNITION OF EMPLOYEE ORGANIZATIONS AS MAJORITY REPRESENTATIVES - FORMAL RECOGNITION

The City Manager shall:

1. Determine the majority representative of City employees in appropriate units such as Police, Fire, or Miscellaneous employees by arranging for a secret ballot election or by any other reasonable methods in accordance with the procedures outlined in Subsection I to ascertain the free choice of a majority of such employees.

The employee organization found to represent a majority of the employees in an appropriate unit shall be granted formal recognition and is the only employee organization entitled to meet and confer in good faith on matters within the scope of representation for employees in such unit. This shall not preclude other recognized employee organizations, or individual employees from consulting with management representatives on employer-employee relations matters of concern to them.

2. Revoke the recognition rights of a majority representative which has been found by secret ballot election, or by any other reasonable method which is in accordance with Subsection I no longer to be the majority representatives.

L. PARTICULAR PROVISION FOR PEACE OFFICERS

Peace officers may form, join, participate in, and be represented by employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations as set forth in these rules and regulations. Such local, state, or national organizations must be composed solely of such police officers; be concerned solely and exclusively with the wages, hours, working conditions, welfare programs and advancement of the academic and vocational training in furtherance of the police profession; and cannot be subordinate to any other organization.

M. RESOLUTION OF IMPASSES

In the event an impasse is reached during the meeting and conferring process over any matters concerning which the City and recognized employee organizations are required to meet and confer in good faith, the matters in dispute will be settled in the following manner:

1. A mediator from the State of California Mediation/Conciliation Service will be selected by mutual agreement between the City and the recognized employee organization. If they are unable to agree, the mediator shall be chosen by the State of California Mediation/Conciliation Service from their staff. The mediator will assist in reconciling the dispute through interpretation, suggestion, and advice. The mediator will meet with the parties in private in an effort to reach a voluntary agreement on the matters in dispute.

However, the mediator may make confidential oral recommendations to the parties jointly or individually at his own discretion. The powers of the mediator will be strictly limited to the mediator's efforts to assist the parties in reaching a voluntary accord. Cost of the mediator shall be shared equally by the parties.

2. In the event that any matter remains in dispute after mediation, the issue will be submitted to the City Council for its determination. Noting in this section shall preclude the City and recognized employee organization from invoking any other mutually agreeable procedure for the resolution of matters in dispute in the event settlement is not achieved through the above described mediation process.

N. CONSTRUCTION

1. Nothing in these rules and regulations shall be construed to deny any person or employee the rights granted by Federal and State laws.
2. The rights, powers, and authority of the City Council in all matters including the right to maintain any legal action, shall not be modified or restricted by these rules and regulations.
3. The procedures outlined in these rules and regulations are not intended to conflict with the provisions of Chapter 10, Division 4, Title 1 of the Government Code of the State of California (Sections 3500, et

seq.) as amended in 1968.

SECTION 2. BARGAINING PROPOSAL PRESENTATIONS

The City and the bargaining representative must exercise its right to present bargaining proposals for a successor Agreement no earlier than 120 days prior to the expiration of this Agreement and no later than 90 days prior to the expiration of this Agreement.

SECTION 3. CITY RIGHTS AND RESPONSIBILITIES

A. THE RIGHTS OF THE CITY

The rights of the City include, but are not limited to:

1. The exclusive right to determine the mission of its constituent departments, commissions, and boards.
2. Set standards of service.
3. Determine the procedure and standards of selection for employment and promotion.
4. Direct its employees.
5. Relieve its employees from duty because of lack of work or for other legitimate reasons.
6. Maintain efficiency of government operations.
7. Determine the methods, means, and personnel by which government operations are to be conducted.
8. Determine the content of job classifications.
9. Take all necessary actions to carry out its mission in emergencies.
10. Exercise complete control and discretion over its organization and the technology of performing its work.
11. To discharge, suspend, demote, reprimand, withhold salary increases and benefits, or otherwise discipline employees for cause.

12. To establish reasonable employee performance standards including, but not limited to, quality and quantity standards; and to require compliance herewith.

B. AUTHORITY OF THIRD PARTY NEUTRAL

Each issue decided by a third party neutral will stand on its own merits and will not be used as a precedent by any other third party neutral in deciding any issue before him or her.

C. IMPACT OF CITY RIGHTS

Where required by law the City agrees prior to implementation to meet and confer with the Union over the impact of the exercise of a City right upon wages, hours, and other terms and conditions of employment of its members unless the impact consequences of the exercise of a management right upon the union members is provided for in the Memorandum of Understanding, Personnel Rules and Regulations, or Departmental Rules and Regulations.

D. MANAGEMENT RIGHTS

There are no provisions in the Memorandum of Understanding that shall be deemed to limit or curtail the City in any way the exercise of the rights, powers, and authority which the City had prior to entering into such understanding unless and only to the extent that the provisions of the Memorandum of Understanding specifically curtail or limit such rights, powers, and authority.

SECTION 4. SUBCONTRACTING WORK

* (Unit 6 - Miscellaneous Services)

In the event the City plans to subcontract work or service normally performed by bargaining unit employees which will result in these employees having their work week reduced or in layoffs, the City and the Union will meet and consult to review possibilities for absorption of affected employees in the Representation Unit into other jobs in the City's service or with the subcontractor.

RULE XXV. DISCIPLINARY PROCEDURE

- A. The City shall afford permanent employees the procedural due process safeguards as set out in the published decisions of California courts.
- B. An employee may have the right to union representation when the employee reasonably anticipates that such a meeting is for the purpose of disciplining the employee or is to obtain facts to support disciplinary action that is probably or that is being seriously considered.
- C. The following disciplinary procedure must be used for all serious disciplinary actions involving permanent fulltime employees BEFORE the actions go into effect. Basically, the disciplinary procedure provides that:
 - 1. The employee shall receive notice of the proposed disciplinary action. Normally, one (1) week will be considered the minimum time necessary to give notice for a 1-3 day suspension and two (2) weeks for all other disciplinary actions. In the case of employees in Unit 2 (Fire) suspension shall not exceed thirty (30) days without pay nor shall it exceed more than thirty (30) days in any fiscal year. Normally, five (5) working days prior to a 1/2 shift to a 1 1/2 shift suspension, and ten (10) working days prior to a 2 shift suspension or above, a suspended employee will receive a written copy of the charges against him/her.
 - 2. The notice must contain the reasons and the charges upon which the proposed action is based.
 - 3. The notice must also contain a statement of the events or circumstances upon which the action is based.
 - 4. The employee must be given the materials, if any, upon which the action is based.
 - 5. The employee must be given the right, either orally or in writing, to respond to the department head proposing the action for all disciplinary action except discharge. Any response relative to discharge will be directed to the City Manager.
 - 6. This disciplinary procedure should be used for all serious disciplinary actions which are normally considered (1) demotions, (2) discharges, (3) reductions in pay, and (4) suspensions.

The above procedure may be deviated from in circumstances where there is a need for immediate disciplinary action. In such cases, an employee may be ordered off

the job without pay if his/her conduct imperils the safety or welfare of, the public, other employees, or said employee (i.e., drunkenness, violence, gross insubordination).

* (Unit 6 - Miscellaneous Services)

Where specific misconduct is stated as the reason for termination, a probationary employee upon written request made prior to the effective date of the termination, shall be given a hearing, so that the probationary employee may have an opportunity to clear his/her name before the termination becomes effective, provided, however, that nothing in this subsection shall effect the right of the City to terminate a probationary employee either with cause or without cause.

RULE XXVI. HOURS OF WORK

SECTION 1. WORK PERIODS/SCHEDULES

The work week shall normally consist of 40 hours of work within a period of seven consecutive days or 80 hrs of work within 14 days, except as otherwise provided by law. All bargaining unit employees shall be scheduled to work beginning at regular starting times and ending at regular quitting times. Work schedules shall be communicated to each affected employee indicating shift days and hours.

Department Heads shall establish such work schedules as may be necessary for the efficient and economical provision of services for the public, and to make such adjustment in work shifts as are, from time to time, required.

- * (Unit 6 - Miscellaneous Services)

The City shall give the employee and the Union appropriate notice of any proposed changes in scheduled work shifts prior to implementation. Whenever possible, said notice shall be within 24 hours or more of said change in work schedule prior to implementation. Regular work schedules shall not be changed on the day of said change in work schedule for the purpose of avoiding payment of overtime.

- * (Unit 2 - Fire)

A. 24 HOUR WORK SHIFT SCHEDULE

Unit employees assigned to work the twenty-four (24) hour work shift scheduled shall begin at 0700 hours and terminate work at 0700 hours the following day. The City shall maintain the 56 hour shift schedule as it relates to days on/days off.

The beginning and ending dates and times for the purposes of establishing the twenty-four (24) day work periods for each platoon shall be set forth by Fire Department management.

The work period for bargaining unit employees assigned to a daily work schedule of twenty-four (24) hours shall be fixed and regularly recurring work period of twenty-four (24) consecutive twenty-four (24) hour days (576 hours).

Time Worked is defined as the maximum number of hours worked per each twenty-four (24) day work period paid at the regular rate of pay shall be 182

hours, except as provided in the following paragraph.

Non-Work Time is defined by the following situations which shall not be considered time worked toward the twenty-four (24) day work period for determining time worked in excess of 182 hours:

1. Leaves of absence (Military, Jury, Leave Without Pay, Personal Leave, or Paternity Leave.)
2. All travel to work and returning home.
3. All time in voluntary off-duty training.
 - * Scheduled assigned training - would provide for consideration of time worked for travel time and scheduled class time.
 - * Where an individual voluntarily attends a budgeted Fire Department class, all time would be considered non-work time; however, any scheduled shifts within that period would be recorded as Leave for Department Business.
4. Dock Time - that non-work time charged against an employee for unauthorized absence, tardiness, or other absence without pay.
 - * Dock Time shall not be chargeable against authorized leave times.
 - * Dock Time shall be charged in increments pursuant to Rule IV Section 8, Subsection B, 2 (Unit 2 - Fire).

Time Trades (Shift Trading)

The trading of work time between employees shall be permitted under the following conditions:

1. Traded time worked shall not be counted as additional hours worked per each work period for determining time worked in excess of 182 hours.
2. Trading time is done voluntarily by the participating employees.
3. Trading time may be for any shift, or one (1) hour minimum thereof, of an employee's regular work schedule. Paybacks shall be at the same

time increment as the original exchange.

4. Traded time shall be between two (2) employees only. Multiple personnel trades are not permitted.
5. The time during which time is traded and paid back is within the designated calendar year.
6. Trading time is documented and is approved by Fire Department supervision.
7. Trading time is restricted to a maximum of two hundred (200) hours of accrued time owed at any time within the calendar year. Recordkeeping to carry out this policy will be done by Fire Department management.
8. Time owed due to trades shall be paid back prior to transfers, promotions, or change in shift assignments for any party.
9. Additional procedures as set forth in the Departmental Trade Time Policies and Procedures as agreed upon by the Fire Department Management and representative.

Early Relief

The common practice of relieving employees on the previous shift prior to the scheduled starting time shall not have the effect of increasing the number of compensable hours of work for employees.

1. Any early relief amongst employees shall be done voluntarily by the participating employees.
2. Early Relief shall not be counted as additional time worked per each work period.
3. Early Relief may be for a period of time ranging from eleven (11) minutes, up to a maximum of (1) hour.
4. Early Relief is documented in the appropriate Fire Company Log Book by the supervisor of the individual being relieved.
5. Early Relief shall be infrequent and shall not be permitted as a routine or continual practice amongst individual employees over a period of

time.

B. 40 Hour Work Week Schedule

Unit employees assigned to work the forty (40) hour work week schedule shall be assigned daily starting and terminating work time approved by Fire management.

The seven (7) day work period shall begin on Sunday at 07:00:00 a.m. and end on Sunday at 06:59:59: a.m.

The work period for unit employees assigned to work the forty (40) hour work week schedule shall be a fixed and regularly recurring period of 168 consecutive hours consisting of seven (7) consecutive twenty-four (24) hour periods.

Hours Worked

The maximum number of hours worked per each seven (7) day work period shall be forty (40) hours at the regular rate of pay, inclusive of breaks and exclusive of:

1. Meal time.
2. Leave of absence (Military, Jury, Leave Without Pay, Personal Leave, or Paternity Leave.)
3. All travel to work and returning home.
4. All time in voluntary off-duty training with the following exceptions:
 - * Scheduled assigned training - would provide for consideration of time worked for travel time and scheduled class time.
 - * Where individual voluntarily attends a budgeted Fire Department class, all time would be considered non-work time; however, any scheduled shifts within that period would be recorded as Leave for Department Business.
5. All time worked for which employees have already been paid at one and one half (1 1/2) times the regular rate of pay or as otherwise set forth in this article within their 168 hours in a seven (7) day work period (i.e., emergency overtime, special detail overtime).

6. Dock time - that non-work time charged against an employee for unauthorized absence, tardiness, or other absence without pay.
 - * Dock Time shall not be chargeable against authorized leave times.
 - * Dock Time shall be charged in increments pursuant to Rule IV, Section 8, Subsection B, 2 (Unit 2-Fire).

Meal Time

All employees assigned to work the forty (40) hour work week schedule shall be entitled to one (1) meal time for eight (8) or more consecutive hours worked.

All meal time taken is considered non-work time and to be without pay. The schedule for meal breaks shall be determined by management, taking into consideration the continuity of services provided to the public, and the convenience of the employee.

In no case will meal breaks be permitted to exceed one (1) hour, or can they be taken at the beginning or end of a work schedule.

Breaks - Rest Periods

Employees assigned to the forty (40) hour work week schedule may receive two (2) break-rest periods for each eight (8) hour day actually worked, and a break-rest period of fifteen (15) minutes for each four (4) consecutive hours of overtime worked. Break-rest periods are a benefit and not a right, and time must be earned as any other benefit and is computed at the rate of fifteen (15) minutes per four (4) hours worked, or major fraction thereof. The procedures to be followed in providing rest periods, sometimes referred to as "coffee breaks" shall include the following:

1. Rest periods are scheduled or rescheduled by management as job requirements dictate.
2. The rest period shall consist of fifteen (15) minutes cessation of work and will include time involved in going to and coming from a rest area.

3. Rest periods are not accumulative and shall not be added to any lunch hours, vacation, or any other form of authorized absence from work.

* (Unit 12 - Fire Management)

The compensation formula used to calculate rate of pay for Battalion Supervisors assigned to a 24 hour work shift schedule shall be that which is used for the majority of Fire Department 24 hour shift safety employees. This shall apply to regular scheduled hours and hours worked in excess of the regular scheduled hours. This provision will only apply to those employees who are assigned and work a 24 hour shift schedule.

SECTION 2. SUMMER WORK SCHEDULE

For the health and welfare of the employees, the regular work schedule for the period of May through October of each year may be adjusted to commence up to one hour earlier than the normal work schedule to avoid the extremes of weather.

SECTION 3. SOLID WASTE DEPARTMENT INCENTIVE SCHEDULE

A. PROGRAM DESCRIPTION

1. Solid Waste Department employees will be allowed to leave the worksite prior to end of the normal eight (8) hour work day with no loss of pay or use of vacation time. This practice is subject to the Solid Waste Superintendent and/or Supervisor's determination that work assignments for each day have been satisfactorily completed.
2. In addition to the daily work assignments the program will be evaluated on its positive or negative impacts on vehicle life and maintenance, employee industrial injury records, vehicle accident rates, and citizen acceptance of the program. Recognized national accident and injury rate reports will serve as the basis for evaluation along with a quarterly review of citizen request for service, and vehicle maintenance costs.
3. To assist in evaluating vehicle maintenance costs an "Evaluation Team" will be formed consisting of a management and Union representative from the Solid Waste Department and Equipment Shop. This team will perform two (2) functions:
 - (a) Periodic inspection of a part from a refuse vehicle showing unusual wear and tear.

- (b) Quarterly submit a report compiling maintenance costs for the quarter to the City Manager's Office for determination of the success of the program.
- 4. Accident and personal injury rates will be compiled quarterly by the Safety Officer.

B. OPERATIONAL DESCRIPTION

- 1. Excluding newspaper collectors, the program will divide Solid Waste employees into two (2) groups; commercial and residential. Dropbody and refuse container personnel will be considered separately.
- 2. The daily program will divide crews into three (3), four (4), or five (5) truck teams. When the team has satisfactorily completed the daily work assignments in the opinion of the immediate supervisor, the team will be released prior to the completion of the normal eight (8) hour day.
- 3. Typical daily work assignments include, but are not limited to the following: completion of assigned services, completion of written reports, including required check lists before and after the completion of the route, necessary cleaning of vehicles, known missed customers, storing daily work supplies, safety meetings.
- 4. In the "Commercial Team", a schedule will be devised providing for one (1) front loading commercial truck to start work one (1) hour later than the rest of the team, and be expected to cover the eight (8) hour shift if necessary. The schedule will rotate so each crew serves on this assignment.
- 5. Quarterly review by the City Manager's Office will determine the extension or termination of the program.
- 6. Evaluation of the program will be on the comparison of actual quarterly costs, accident and injury rates, etc., with projected averages or goals.