Employee Handbook

City of Colfax

Adopted by City Council: **Finished Draft for Approval**

This document will be reviewed in conjunction with negotiations for renewal of the MOU with represented employees.

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GENERAL EMPLOYMENT POLICIES

INTRODUCTION

Welcome! As an employee of the City of Colfax (the City), you are an important member of a team effort. We hope that you will find your position with the City rewarding, challenging, and productive.

Because our success depends upon the dedication of our employees, we are highly selective in choosing new members of our team. We look to you and the other employees to contribute to the success of the City.

This employee handbook is intended to explain the terms and conditions of employment of all full- and part-time employees and supervisors. Written employment contracts between the City and some individuals may supersede some of the provisions of this handbook.

This handbook summarizes the policies and practices in effect at the time of publication. This handbook supersedes all previously issued handbooks and any policy or benefit statements that are inconsistent with the policies described here. Your supervisor or manager will be happy to answer any questions you may have.

For represented employees: Please refer to the Memorandum of Understanding (MOU) to explain any differences between this handbook and the Union agreement.

OUR COMMUNITY

The City of Colfax is located in the Sierra Nevada foothills at 2,400 feet elevation and home to approximately 2,000 citizens. Colfax is a small historical city with ties to the 1849 Gold Rush and the First Transcontinental Railroad. A myriad of recreational activities are at our doorstep: camping, hiking, fishing, mountain biking, gold panning, kayaking & rafting. Colfax is a great place to live and work! Access to Interstate 80 allows easy travel to Sacramento, Lake Tahoe, or Reno. Area roads and trails allow exploration in one of the most diverse natural habitats in California.

City staff offers full services to the community. Because the City has a small workforce, each team member's contribution is essential to the success of City operations.

COMMUNITY RELATIONS

Employees are expected to be polite, courteous, prompt, and attentive to every customer. When an employee encounters an uncomfortable situation that he or she does not feel capable of handling, the supervisor or City Manager should be called immediately.

Ours is a service business and all of us must remember that the residents come first. Our residents ultimately pay all of our wages. Remember, while the customer is not always right, the customer is never wrong.

Residents are to be treated courteously and given proper attention at all times. Never regard a resident's question or concern as an interruption or an annoyance. Respond to inquiries the residents, whether in person or by telephone, promptly and professionally.

Never place a telephone caller on hold for an extended period. Direct incoming calls to the appropriate person and make sure the call is received.

Through your conduct, show your desire to assist the customer in obtaining the help he or she needs. If you are unable to help a customer, find someone who can.

All correspondence and documents, whether to customers or others, must be neatly prepared and error-free. Attention to accuracy and detail in all paperwork demonstrates your commitment to those with whom we do business.

Do not argue with a customer. If a problem develops or if a resident remains dissatisfied, ask your supervisor or the City Manager to intervene. Do not make promises to residents which will create an obligation, liability or set precedence for expenditures of City funds. It is far better to say, “We will look into it and see what we can do for you” than to obligate limited City funds or personnel time.

RIGHT TO REVISE

The City reserves the right to revise, modify, delete, or add to any and all policies, procedures, work rules, or benefits stated in this handbook or in any other document from time to time. Substantive changes to this handbook shall be approved by Council. The City Manager has the authority to approve non-substantive changes to the handbook. Any such changes must be in writing and must be signed by the City Manager. Where required, the City will comply with any meet and confer responsibilities. Any written changes to this handbook will be distributed to all employees so that employees will be aware of the new policies or procedures. No oral statements or representations can in any way alter the provisions of this handbook.

EMPLOYMENT STATUS

FULL-TIME EMPLOYEES

Regular full-time employees are those who are scheduled for 32-40 hours per week. Regular full-time employees are eligible for most employee benefits described in this handbook. Benefit eligibility may depend on length of continuous service. Benefit eligibility requirements may also be imposed by the insurance plans themselves, by the MOU, or by law.

PART-TIME EMPLOYEES

Regular part-time employees are those who are scheduled for fewer than 32 hours per week. Part-time employees may be eligible for reduced benefits.

TEMPORARY EMPLOYEES

Temporary employees are those employed for short-term assignments. Short-term assignments generally are periods of six months or fewer, but may be extended. Temporary employees are not eligible for employee benefits except those mandated by applicable law.

NEW HIRES

The first 6 months of continuous employment at the City is considered a probationary period. During this time, you will learn your responsibilities, get acquainted with fellow employees and determine whether or not you are happy with your job. Your supervisor will closely monitor your performance. During the probationary period, the employee may be rejected at any time without the right of appeal, grievance procedure, or hearing.

During the probationary period, your supervisor will explain your job responsibilities and the performance standards expected of you. Be aware that your assignment may change during your employment with a 10 day written notice to the employee prior to a permanent change of assignment. From time to time, you may be asked to work on special projects, or to assist with other work necessary or important to the operation of your department. Your cooperation and assistance in performing such work is expected. The City reserves the right, to alter or change job responsibilities, reassign or transfer job positions, or assign additional job responsibilities.

FILLING PERMANENT VACANCIES

In the case of represented classifications, when a vacancy occurs in a job assignment, the vacancy and duties of the position will be posted for at least ten calendar days. Employees holding career status in the classification allocated to that position may request to be assigned to fill the vacancy. The City will give first consideration to those employees making such requests before considering outside applications for the position. If more than one qualified employee requests to fill the vacancy the assignment shall be based on seniority as long as the senior employee has equal experience and capability and the City determines an equal disruption to the established work schedule.

ELIGIBILITY LIST

An eligibility list is a list of applicants for City employment or promotion who are qualified as a result of an examination process. Lists are maintained in accordance with the City's classification of jobs. An eligibility list will not be maintained longer than six months unless otherwise determined by the City Manager or designee.

COMPENSATION AND BENEFITS

WAGES

STANDARD WORK SCHEDULE

The standard work schedule consists of five eight-hour days. The City will notify new employees at the time of hire of the days they will work. For public works employees the workday will begin at 7:00 a.m. and end at 3:30 p.m., but is subject to change based on the City's needs. An unpaid meal break of 30 minutes will be taken each day unless another option is approved in writing by a supervisor. Two 15-minute paid breaks will be taken during the day and your supervisor will notify you of the time you should take your break.

For office (administrative) employees, the workday begins at 8:00 a.m. and ends at 5:00 p.m. with a 1 hour unpaid meal break. Two 15-minute paid breaks will be taken during the day and your supervisor will notify you of the time you should take your break.

If you work more than ten hours in a day, you will be provided a second, unpaid meal period of at least 30 minutes. You will be permitted a reasonable opportunity to take this meal period, and you will be relieved of all duty. There will be no control over your activities during your meal period. During your meal period, you are free to leave the premises and are free to come and go as you please. You are expected to return to work promptly at the end of any meal period.

HOLIDAY TIME

Paid holidays will be paid at the rate of 8 hours or regularly scheduled workday. A schedule of paid holidays is approved and distributed yearly.

OVERTIME

Authorized time of non-exempt employees worked in excess of either (8) hours per day and forty (40) hours in one (1) week shall constitute overtime. Overtime shall be paid at the rate of pay of time and one half. The City may compensate for overtime by providing Compensatory Time Off (CTO) at the rate of time and one-half. Employees on paid status for vacation, CTO or sick time will not have such time count towards the 40-hour calculation. It is the policy of the City to keep overtime to a minimum consistent with the efficient operation of the City. Overtime must be authorized by the Department Head in advance. CTO time will be capped at 80 hours.

The City will attempt to distribute overtime evenly and accommodate individual schedules. All overtime work must be previously authorized by a supervisor. The City provides compensation for all overtime hours worked by non-exempt employees in accordance with state and federal law as follows:

- All hours worked in excess of eight hours in one workday or 40 hours in one workweek will be treated as overtime. A workday begins at 12:01AM and ends at midnight 24 hours later. Workweeks begin each Saturday at 12:01AM. and ends at 12:00AM Friday, unless otherwise designated by the City.
- Compensation for hours in excess of 40 for the workweek, or in excess of eight and not more than 12 for the workday, and for the first eight hours on the seventh consecutive day of work in one workweek, shall be paid at a rate of one and one-half times the employee's regular rate of pay.
- Compensation for hours in excess of 12 in one workday and in excess of eight on the seventh consecutive workday in a workweek shall be paid at double the regular rate of pay until the employee is released from work for an uninterrupted rest period of eight hours.
- Exempt employees may have to work hours beyond their normal schedules as work demands require. No overtime compensation will be paid to exempt employees.

ON-CALL STATUS (STANDBY)

Wastewater Treatment Plant and Public Works employees will be scheduled for On-Call status outside of their normal work hours and will receive $2.50 for each hour of assigned On-Call time. As has been the established practice in the past, expected response time for an On-Call employee is 30 minutes. The City reserves the right to make exceptions to response time required for a call-out. Should an employee be called out, compensation for those hours worked outside of a normal eight-hour day or 40 hour week will be in accordance with the overtime/CTO policy.

ADVANCES

The City does not permit advances against paychecks or against vacation not yet accrued.

OUT OF CLASS PAY

When an employee is assigned to perform the significant duties of positions at a higher pay classification or supervisory level for more than five consecutive working days, the employee will be paid five percent out of class pay. Differential pay will be administered with the approval of the City Manager.

REPORTING-TIME PAY

The City will comply with all applicable regulations regarding reporting-time pay for nonexempt employees.

The City will pay a minimum of two hours of pay to employees who are required to report to work on a day other than their normally scheduled workday. When an employee is called to return to work after completion of their normal scheduled shift, they will be compensated a minimum of two hours at a rate of time and one half their normal rate of pay. Any work performed beyond the initial two hours shall also be compensated at time and one half for actual hours worked.

The City will not pay employees who report to work but are unable to work under the following circumstances:

- Interruption of work because of the failure of any or all public utilities.
- Interruption of work because of natural causes or other circumstances beyond the City's power to control.

EXPENSE ACCOUNTS

Employees who have incurred business expenses must submit required receipts and the Employee Reimbursement Form to Accounts Payable on a monthly basis.

If you have any questions about the City's expense reimbursement policy, contact the Finance Director.

Personal and/or vacation travel may be combined with business travel provided there is no additional cost to the City, and it meets with the approval of the City Manager. The City credit cards are not to be used for personal expenses.

PAYMENT OF WAGES

Paychecks are normally available at the City Hall office. If you observe an error on your check, please report it immediately to your supervisor.

All employees of the City are paid every other Tuesday for work performed during the previous two-week pay period. If a regular payday falls on a holiday, employees will be paid on Wednesday.

The City offers automatic payroll deposit. You may begin and stop automatic payroll deposit at any time. To begin automatic payroll deposit, you must complete a form (available from at City Hall) and return it to payroll at least 10 days before the pay period for which you would like the service to begin. You should carefully monitor your payroll deposit statements for the first two pay periods after the service begins.

To stop automatic payroll deposit, complete the form available at City Hall and return it to payroll at least 10 days before the pay period for which you would like the service to end. You will receive a regular payroll check on the first pay period after the receipt of the form, provided it is received no later than 10 days before the end of the pay period.

TIMEKEEPING REQUIREMENTS

All nonexempt employees are required to use a Time Sheet to record time worked for payroll purposes. All time worked must be accurately reported on your time record.

Exempt employees are also required to complete timecards to allocate time to projects as necessary and to account for paid leave time.

Employees must record their own time at the start and at the end of each work period.

Employees are not allowed to work off the clock. Working off the clock violates City policy. Any work performed before or after a regularly scheduled shift must be approved in advance by your supervisor. If you perform any off-the-clock work, please report the work to your supervisor.

Employees will be required to certify that their time record is accurate.

Any handwritten marks or changes on the timecard must be initialed by a supervisor. Any errors on your timecard should be reported immediately to your supervisor.

DEDUCTIONS FOR EXEMPT EMPLOYEES

Employees paid on a 'salary basis' regularly receive a predetermined amount of compensation each pay period. Subject to the exceptions listed below, exempt employees will receive full salary for any workweek in which they perform any work, regardless of the number of days or hours worked. If an exempt employee does not work for a workweek and that week is not covered by City benefits programs and policies (for example: vacation, administrative leave has been exhausted) the employee will not be paid.

No deductions from salary may be made for time when work is not available, provided the exempt employee is ready, willing, and able to work. Deductions from pay are permissible when an exempt employee:

- Is absent from work for one or more full days for personal reasons other than sickness or disability.
- Is absent for one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy, or practice of providing full compensation for salary lost due to illness and the employee has exhausted his or her leave under this policy.
- Works less than a full week during the initial or final week of employment.
- For penalties imposed in good faith for infractions of safety rules or major significance.
- Unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions.

Partial day deductions from available accrued vacation or sick leave balances will also be made by the City when applicable.

It is City policy to comply with these salary basis requirements. Therefore, the City prohibits all City managers from making any improper deductions from the salaries of exempt employees. The City wants employees to be aware of this policy and know that the City does not allow deductions that violate federal or state law.

If you believe that an improper deduction from your salary has been made, you should immediately report this information to your direct supervisor, or to the City Clerk or Finance Director. Reports of improper deductions will be investigated promptly. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

BENEFITS

BENEFITS OVERVIEW

Benefit eligibility may be dependent upon your employee classification (full-time versus part-time, or represented versus non-represented) and on length of continuous employment at the City. Benefit eligibility requirements may also be imposed by the benefit plans themselves.

BENEFITS ELIGIBILITY

Hours/Week	Status	Health	Retirement	Holidays	Sick	Vacation
40	Regular Full Time	Yes	Yes	Yes	Yes	Yes
32-40	Regular Full Time	Yes	Yes if >960hrs/yr	Scheduled Workday	Pro-rated	Pro-rated
20-32	Regular Part Time	No	Only if >960hr/yr	Scheduled Workday	Pro-rated	Pro-rated
<20	Part Time	No	No	No	Mandate	No
	Temporary	No	No	No	Mandate	No

Summary Plan Descriptions which describe the benefits in greater detail will be made available to you upon determination of your eligibility. For information regarding employee benefits and to answer any questions you may have, contact the City Clerk or Finance Director.

The City reserves the right to modify, amend or terminate benefits and to modify or amend benefit eligibility requirements at any time and for any reason, subject to any legal restrictions.

The City offers the following employee benefits:

- Health Insurance
- Dental Insurance
- Disability Insurance
- Retirement Plan provided through CalPERS
- Vision Insurance
- Life Insurance of $15,000, paid by the City

TRAINING

Some employees may need to attend training programs, seminars, conferences, lectures, meetings, or other outside activities for the benefit of the City or the individual employees. Attendance at such activities, whether required by the City or requested by individual employees, requires the written approval of the Department Head. To obtain approval, any employee wishing to attend an activity must submit a written request detailing all relevant information, including date, hours, location, cost, expenses, and the nature, purpose, and justification for attendance.

Attendance at any such event is subject to the following policies on reimbursement and compensation. For attendance at events required or authorized by the City, customary and reasonable expenses will be reimbursed upon submission of proper receipts. Acceptable expenses generally include registration fees, materials, lodging, meals, transportation, and parking. Reimbursement policies regarding these expenses should be discussed with the Department Head in advance.

Employee attendance at authorized outside activities will be considered hours worked for non-exempt employees and will be compensated in accordance with normal payroll practices.

This policy does not apply to an employee's voluntary attendance, outside of normal working hours, at formal or informal educational sessions, even if such sessions generally may lead to improved job performance. While the City generally encourages all employees to improve their knowledge, job skills, and promotional qualifications, such activities do not qualify for reimbursement or compensation under this policy unless prior written approval is obtained as described previously.

TUITION REIMBURSEMENT

The City may reimburse employees up to $1,500.00 per fiscal year for tuition and book expenses for City approved college or university level courses. Only courses which relate to the employee’s current position with the City or which would prepare the employee for advancement within their career field will be considered as eligible for tuition reimbursement. Reimbursement shall not be made until the employee submits documentation of expenses and successful completion of the course with a grade of B or better. In order to be eligible, an employee must submit a plan by May 1st for the upcoming fiscal year. Late requests may be approved at the discretion of the City Manager.

VACATION

Employees are eligible to accrue:

Years of Service	Vacation Days earned annually
0-2	10 days
3-4	12 days
5-9	15 days
10-19	20 days
Over 20	25 days

Active service commences with an employee's first day of work and continues thereafter unless broken by an absence without pay, a leave of absence, or termination of employment. Temporary employees do not accrue paid vacation.

No more than two years of vacation earned can be accrued.

Vacations shall be scheduled to provide adequate coverage of job responsibilities and staffing requirements. Vacation schedules must be coordinated and cleared with your supervisor in advanced. The City schedules determine permissible vacation periods, which employees may need to defer or otherwise adjust accordingly. Employees who have exceeded the cap but are denied vacation due to operational needs will be granted the right to exceed the cap until the vacation is granted.

An employee whose employment terminates will be paid for accrued unused vacation days.

Required Use of Vacation Before Unpaid Leave

You are required to take accrued and unused vacation before taking unpaid leave, or having unpaid absences. Family and Medical Leave (under both state and federal law) is included in this requirement, unless the absence is pregnancy-related or the leave is FMLA-related and you are receiving wage replacement through a disability benefit plan (regardless of whether the plan is employer-provided or mandatory under state or federal law, such as state disability insurance).

If you are absent for a reason that qualifies you for Paid Family Leave (PFL) or because of a disability that qualifies you for State Disability Insurance (SDI) benefits, contact the City Clerk to discuss coordination of your benefits.

ADMINISTRATIVE LEAVE FOR EXEMPT EMPLOYEES

The City of Colfax has determined its executive employees are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA). In recognition of work requirements in excess of the normal work schedule exempt employees accrue 80 hours of Administrative Leave during the calendar year. Exempt employees do not earn compensatory time off but may use administrative leave. Up to 40 hours of administrative leave may be carried over from one calendar year to another. However, at no point in time may an employee accumulate more than 120 hours of administrative leave. An exempt employee shall not be compensated, either during or upon separation of employment from the City for any accumulated administrative leave. Any present or future City employee rehired or reinstated by the City shall receive no credit for prior service in determination of Administrative Leave.

HOLIDAYS

The City observes the following paid holidays:

- January 1
- Martin Luther King Jr.'s Birthday
- Presidents' Day
- Memorial Day
- July 4th (Independence Day)
- Labor Day
- Columbus Day
- Veterans' Day
- Thanksgiving Day
- The Friday after Thanksgiving
- Christmas Eve
- Christmas Day
- One “floating” holiday – coordinate with your supervisor for the date you apply this holiday – this holiday cannot carry over to the next calendar year
- Every day designated by the President, Governor or City Council as a holiday

When a holiday falls on a Saturday or Sunday; it is usually observed on the preceding Friday or the following Monday. The City may grant another day off in lieu of closing. Holiday observances will be announced in advance.

To be eligible for holiday pay, you must be regularly scheduled to work on the day on which the holiday is observed. If a non-exempt employee is required to work on a paid scheduled holiday you will be compensated at one and one half times your regular rate of pay in addition to holiday pay

EMPLOYMENT STATUS CHANGES

DISCIPLINARY ACTION

The City has the right to suspend, demote, reduce in pay, or dismiss any employee of the City, or take any other disciplinary action deemed appropriate under the circumstances. This provision does not apply to non-disciplinary separation from employment including, but not limited to, layoff. Employees covered by an applicable MOU shall be subject to discipline pursuant to the procedures outlined in the MOU.

PROBATIONARY EMPLOYEES

Probationary employees are subject to release without cause pursuant to the provisions of this Handbook.

TYPES OF DISCIPLINE

The following types of discipline may be imposed on a City employee, in accordance with this provision. Prior discipline may be considered in determining the appropriate level of discipline.

1. Suspension: The City may suspend an employee at any time for cause for a period not to exceed thirty (30) working days in any fiscal year.
2. Demotion: The City may demote an employee whose ability to perform the required duties of his/her position fall below standard or for disciplinary purposes. No employee shall be demoted to a position for which he/she does not possess the minimum qualifications.
3. Reduction in Salary: The City Manager may, reduce the salary level of an employee whose ability to perform the required duties of his/her position falls below standard, or for disciplinary purposes. Any salary reduction shall be within the minimum and maximum salary range for the position.
4. Discharge: An employee may be discharged for cause at any time by the City Manager.

5. Other Discipline: The City may impose other forms of discipline that do not result in the reduction of compensation of the employee or the loss of job rights. These forms of discipline include, but are not limited to, counseling, written or oral warning, or written or oral reprimand. Written reprimands shall be placed in the employee's personnel file, and the employee shall have the right to attach a written response to the written reprimand.

CAUSE FOR DISCIPLINE:

Disciplinary action up to and including termination may be taken for any of the following:

1. Unauthorized absence.
2. Excessive absenteeism or tardiness, or abuse of leave privileges.
3. The commission of conviction of any felony or any other crime involving moral turpitude.
4. Disorderly conduct.
5. Incompetence or inefficiency.
6. Insubordination.
7. Dishonesty.
8. Falsification of city records, including, but not limited to, time cards.
9. Theft.
10. Intoxication while on duty or on standby.
11. Neglect of duty.
12. Willful or negligent damage to public property or misuse or waste of public supplies or equipment.
13. Working overtime without authorization.
14. Failure to maintain a required license or certificate which is a condition of employment.
15. Discourteous treatment of the public, city elected officials, city employees, or city volunteers.
16. Violation of any of the provisions of the ordinances of the city, these rules, any provision of the employee handbook, or other rules promulgated by the City Manager as administrative orders.

DISCIPLINARY PROCEDURE FOR EMPLOYEES WHO HAVE PASSED PROBATION

1. The employee shall be given written notice of the proposed disciplinary action. Such written notice shall include:
   a. A description of the proposed disciplinary action to be taken.
   b. A statement of the causes for the disciplinary action.
   c. A statement of the facts upon which the disciplinary action is based.
   d. A statement informing the employee of his/her appeal rights.
   e. Notice that failure to respond by the time specified constitutes a waiver of the right to respond prior to final discipline being imposed.

The notice shall be personally delivered or sent by certified mail, return receipt.

2. The employee shall be provided a copy of all documents or materials upon which the disciplinary action is based.

3. The employee has the right to respond, either orally or in writing (at the option of the employee), to the authority initially imposing discipline within ten calendar days of receipt of the notice described in paragraph 1. After the employee has provided a response, the authority imposing the discipline will issue a decision whether to uphold, modify, or reject the proposed disciplinary action. The employee's failure to respond within ten calendar days shall constitute a waiver of the right to respond.

4. An employee who has been subject to suspension, demotion, reduction in salary, or discharge is entitled to an appeal, as follows:
   a. The employee may request a hearing before the City Manager. In order to make this request, the employee must make a written request for hearing to the City Manager within ten calendar days of the date of the decision in the procedure in paragraph 3. An employee's failure to make this written request within ten calendar days shall result in a waiver of the employee's right to appeal, and the discipline will become effective.
   b. The appeal hearing shall be scheduled on a mutually agreeable date, based on the availability of the City Manager and the employee and his/her representative.
   c. Hearings conducted pursuant to this section shall be informal in nature. The rules of evidence applicable to court proceedings need not be followed.
   d. Both the employee and the City shall have the right to call and cross-examine witnesses and present documentary evidence.
   e. Failure of the employee to appear at the hearing shall be deemed a withdrawal of his/her appeal and a waiver of the right to a hearing.

f. The City Manager shall issue a written decision regarding the appeal within thirty working days of the date of the hearing. The decision of the City Manager shall be final and binding on all parties.
g. The right to appeal does not apply to counseling, oral or written warnings or reprimands, or any other action that does not result in a loss of compensation by the employee.

REPRESENTATION:

An aggrieved employee may be represented by any person or organization of his/her choice at any stage of the proceedings.

REDUCTIONS IN FORCE

Under some circumstances, the City may need to restructure or reduce its workforce. If restructuring our operations or reducing the number of employees becomes necessary, the City will attempt to provide advance notice, if possible, to help prepare affected individuals. If possible, employees subject to layoff will be informed of the nature of the layoff and the foreseeable duration of the layoff, whether short-term or indefinite.

For represented employees, the principals of City seniority shall apply in situations of layoff. Due to the small size of the City workforce, strict application of seniority rules may be relaxed with respect to represented employees on a case-by-case basis after conferring with the Union if the City can demonstrate a specific need to vary from seniority basis. Layoff procedures for represented employees are listed in detail in Article 21 of the MOU agreement.

In determining which employees will be subject to layoff, the City will take into account, among other things, operation and requirements, the skill, productivity, ability, and past performance of those involved, and also, when feasible, the employee's length of service.

VOLUNTARY RESIGNATION/RETIREMENT

Voluntary resignation results when an employee voluntarily quits his or her employment. All City-owned property, including vehicles, keys, uniforms, identification badges, cell phones, and credit cards must be returned immediately upon termination of employment.

Employees nearing retirement should contact CalPERS directly to confirm eligibility and to obtain information regarding the retirement process. Please coordinate with the City Clerk about your retirement plans to ensure appropriate workforce succession.

GENERAL EMPLOYMENT GUIDELINES

WORKERS' COMPENSATION

The City, in accordance with state law, provides insurance coverage for employees in case of work-related injury. The workers' compensation benefits provided to injured employees may include:

- Medical care;
- Cash benefits, tax free, to replace lost wages;
- Assistance to help qualified injured employees return to suitable employment.

To ensure that you receive any workers' compensation benefits to which you may be entitled, you will need to:

- Immediately report any work-related injury to your supervisor;
- Seek medical treatment and follow-up care if required;
- Complete a written *Employee's Claim for Workers' Compensation Benefits* (DWC Form 1) and return it to City Clerk or Finance Director;
- Provide the City with a certification from your health care provider regarding the need for workers' compensation disability leave, as well as your eventual ability to return to work from the leave.

Upon submission of a medical certification that an employee is able to return to work after a workers' compensation leave, the employee under most circumstances will be reinstated to his or her same position held at the time the leave began, or to an equivalent position, if available. An employee returning from a workers' compensation leave has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if the employee on workers' compensation leave would have been laid off had he or she not gone on leave, or if the employee's position has been eliminated or filled in order to avoid undermining the City's ability to operate safely and efficiently during the leave, and no equivalent or comparable positions are available, then the employee would not be entitled to reinstatement.

An employee's return depends on his or her qualifications for any existing openings. If, after returning from a workers' compensation disability leave, an employee is unable to perform the essential functions of his or her job because of a physical or mental disability, the City's obligations to the employee may include reasonable accommodation, as governed by the Americans with Disabilities Act.

The law requires the City to notify the workers' compensation insurance of any concerns of false or fraudulent claims.

CITY-PROVIDED PHYSICIAN

The City provides medical treatment for work-related injuries through a medical provider network, Sutter Health, which the City has chosen to provide medical care to injured employees because of their experience in treating work-related injuries.

WORKERS' COMPENSATION AND FMLA/CFRA

Employees who are ill or injured as a result of a work-related incident, and who are eligible for family and medical leave under state and federal law (Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA)), will be placed on FMLA/CFRA during the time they are disabled and not released to return to work. The leave under these laws runs concurrently, and eligible employees will be on FMLA/CFRA for a maximum of 12 weeks in a 12-month period starting from date leave is first taken.

EMPLOYMENT OF RELATIVES

Relatives of employees may be eligible for employment with the City only if individuals involved do not work in a direct supervisory relationship. The City defines "relatives" as spouses, registered domestic partners, children, siblings, parents, in-laws, and step-relatives. Present employees who marry or become registered domestic partners will be permitted to continue working in the job position held only if they do not work in a direct supervisory relationship with one another.

NAMES AND ADDRESSES POLICY

The City is required by law to keep current all employees' names and addresses. Employees are responsible for notifying the City in the event of a name or address change.

OPEN-DOOR POLICY

Suggestions for improving the City are always welcome. At some time, you may have a complaint, suggestion, or question about your job, your working conditions, or the treatment you are receiving. Your complaints, questions, and suggestions also are of concern to the City.

If you have a complaint, suggestion or question, speak with your immediate supervisors as soon as possible. If you are not comfortable speaking to your immediate supervisor, please bring the issue to the City Manager or any other member of management.

Moreover, if you have raised the issue and if the problem persists, you may present it to your supervisor, who will investigate and provide a solution or explanation.

If the problem is not resolved, you may also present the problem to the City Manager, who will attempt to reach a final resolution. Decisions by the City Manager may be appealed to the City Council with the option to request a closed session.

While a written complaint will assist us in investigating your concerns, it is not required that you put your complaint in writing. If you need assistance with your complaint, or you prefer to make a complaint in person, contact the City Clerk.

This procedure, which we believe is important for both you and the City, cannot guarantee that every problem will be resolved to your satisfaction. The City values your observations and you should feel free to raise issues of concern without the fear of retaliation.

HARASSMENT DISCRIMINATION AND RETALIATION PREVENTION

The City is an equal opportunity employer. The City is committed to providing a work environment free of harassment, discrimination, retaliation, and disrespectful or other unprofessional conduct based on sex (including pregnancy, childbirth, breastfeeding or related medical conditions), sex stereotype, race, religion (including religious dress and grooming practices), color, gender (including gender identity, gender expression and transgender), national origin (including language use restrictions and possession of a driver's license issued under Vehicle Code section 12801.9), ancestry, physical or mental disability, medical condition, genetic information, marital status, registered domestic partner status, age, sexual orientation, military and veteran status or any other basis protected by federal, state or local law or ordinance or regulation. It also prohibits discrimination, harassment, disrespectful or unprofessional conduct based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics.

HARASSMENT PREVENTION

The City's policy prohibiting harassment applies to all persons involved in the operation of the City. The City prohibits harassment, disrespectful, or unprofessional conduct by any employee of the City, including supervisors, managers and co-workers. The City's anti-harassment policy also applies to vendors, customers, independent contractors, unpaid interns, volunteers, persons providing services pursuant to a contract and other persons with whom you come into contact while working.

Prohibited harassment, disrespectful or unprofessional conduct includes, but is not limited to, the following behavior:

- Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations, comments, posts or messages.
- Visual displays such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures.
- Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of sex, race or any other protected basis.
- Threats and demands to submit to sexual requests or sexual advances as a condition of continued employment, or to avoid some other loss and offers of employment benefits in return for sexual favors.
- Retaliation for reporting or threatening to report harassment.

- Communication via electronic media of any type that includes any conduct that is prohibited by state and/or federal law or by City policy.

Sexual harassment does not need to be motivated by sexual desire to be unlawful or to violate this policy. For example, hostile acts toward an employee because of his/her gender can amount to sexual harassment, regardless of whether the treatment is motivated by sexual desire.

Prohibited harassment is not just sexual harassment but harassment based on any protected category.

INTIMIDATING OR HARASSING BEHAVIOR

Threats or other conduct which in any way create a hostile environment, impair agency operation; or frighten, alarm, or inhibit others are prohibited. Psychological intimidation or harassment includes making statements which are false, malicious, disparaging, or derogatory, rude disrespectful, abusive, obnoxious, insubordinate, or which have the intent to hurt others' reputations.

In addition, the City prohibits retaliation against individuals who raise complaints of discrimination or harassment or who participate in workplace investigations. All such conduct violates City policy.

NON-DISCRIMINATION

The City is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in City operations. The City prohibits unlawful discrimination against any job applicant, employee or unpaid intern by any employee of the City, including supervisors and coworkers.

Pay discrimination between employees of the opposite sex or between employees of another race or ethnicity performing substantially similar work, as defined by the California Fair Pay Act and federal law, is prohibited. Pay differentials may be valid in certain situations defined by law. Employees will not be retaliated against for inquiring about or discussing wages.

ANTI-RETALIATION

The City will not retaliate against you for filing a complaint or participating in any workplace investigation or complaint process, and will not tolerate or permit retaliation by management, employees or co-workers.

REASONABLE ACCOMMODATION

Discrimination can also include failing to reasonably accommodate religious practices or qualified individuals with disabilities where the accommodation does not pose an undue hardship.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, the City will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result.

Any job applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact the City Clerk and discuss the need for an accommodation. The City will engage in an interactive process with the employee to identify possible accommodations, if any, that will help the applicant or employee perform the job. An applicant, employee or unpaid intern who requires an accommodation of a religious belief or practice (including religious dress and grooming practices, such as religious clothing or hairstyles) should also contact the City Clerk and discuss the need for an accommodation. If the accommodation is reasonable and will not impose an undue hardship, the City will make the accommodation.

The City will not retaliate against you for requesting a reasonable accommodation and will not knowingly tolerate or permit retaliation by management, employees or co-workers.

COMPLAINT PROCESS

If you believe that you have been the subject of harassment, discrimination, retaliation or other prohibited conduct, bring your complaint to your supervisor, any other City supervisor, the City Manager, City Attorney, or Finance Director as soon as possible after the incident. You can bring your complaint to any of these individuals. If you need assistance with your complaint, or if you prefer to make a complaint in person, contact the City Clerk. Please provide all known details of the incident or incidents, names of individuals involved and names of any witnesses. It would be best to communicate your complaint in writing, but this is not mandatory.

The City encourages all individuals to report any incidents of harassment, discrimination, retaliation or other prohibited conduct forbidden by this policy immediately so that complaints can be quickly and fairly resolved.

You also should be aware that the Federal Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing investigate and prosecute complaints of prohibited harassment, discrimination and retaliation in

employment. If you think you have been harassed or discriminated against or that you have been retaliated against for resisting, complaining or participating in an investigation, you may file a complaint with the appropriate agency. The nearest office can be found by visiting the agency websites at www.dfeh.ca.gov and www.eeoc.gov.

Supervisors must refer all complaints involving harassment, discrimination, retaliation or other prohibited conduct to the City Manager so the City can try to resolve the complaint.

When the City receives allegations of misconduct, it will immediately undertake a fair, timely, thorough and objective investigation of the allegations in accordance with all legal requirements. The City will reach reasonable conclusions based on the evidence collected.

The City will maintain confidentiality to the extent possible. The City cannot promise complete confidentiality. The employer's duty to investigate and take corrective action may require the disclosure of information to individuals with a need to know.

Complaints will be:

- Responded to in a timely manner
- Kept confidential to the extent possible
- Investigated impartially by qualified personnel in a timely manner
- Documented and tracked for reasonable progress
- Given appropriate options for remedial action and resolution
- Closed in a timely manner

If the City determines that harassment, discrimination, retaliation or other prohibited conduct has occurred appropriate and effective corrective and remedial action will be taken in accordance with the circumstances involved. The City also will take appropriate action to deter future misconduct. Any employee determined by the City to be responsible for harassment, discrimination, retaliation or other prohibited conduct will be subject to appropriate disciplinary action, up to and including termination. Employees should also know that if they engage in unlawful harassment, they can be held personally liable for the misconduct.

WHISTLEBLOWER POLICY

POLICY

It is critical that the City foster and maintain a workplace with a high ethical standard of conduct in all activities and conduct its business in a fair, effective, efficient, and transparent manner. Further, the City must protect its assets and resources from fraudulent, illegal, and dishonest activities by protecting its assets and resources, by maintaining effective internal controls, and by identifying and investigating any possibility of fraud or other improper activities. To this end, this Whistleblower Policy ("Policy") establishes procedures for City employees and the Colfax community to report alleged illegal, fraudulent, and/or improper activity by City employees and to assure that such reports do not result in retaliation by the City.

Community members and City employees are encouraged to report good faith suspicions of misconduct by City employees and any misuse of City property or resources. Any City employee who makes such a good faith report is protected against adverse employment actions by the City for raising such allegations, and shall not suffer any reprisals or retaliation by the City for making the report, whether or not the allegations are sustained. The whistleblower must exercise sound judgment to avoid baseless allegations. The intentional filing of a false report is itself considered an improper governmental activity which the City has the right to act upon.

PROHIBITED ACTIVITIES

Report information related to the following prohibited activities, which is not limited to:

- Violation of any law, regulation, ordinance.
- Conflict of interest.
- Fraud, waste, or misuse of City property, resources, or time.
- Abuse of authority.
- Creation of a specific and substantial danger to public health or safety by failing to perform duties required by the City position held.
- Theft, misuse of, or misappropriation of City resources, property, information, assets or funds, or an attempt to do any of the same.
- Intentional falsification of records (including failure to disclose material facts or making of false or misleading entries or statements with the intent to deceive on any City document or other official document, report, or form, including but not limited to, City financial records and environmental regulatory reporting), or the

willful and unauthorized destruction and/or mutilation of any City document or other official document, report, or form, including City financial records.
- Intentionally submitting false claims for payment or reimbursement.
- Knowingly submitting and/or signing a timesheet that contains false information.
- Forgery or intentional unauthorized alteration of a City document or other official document, application, report, or form, including but not limited to, City financial documents.
- Improprieties in the handling or reporting of financial transactions for the City.
- Authorizing or receiving payment by the City for goods not received or services not performed.
- Computer-related activity involving unauthorized alteration, destruction of data, forgery, or manipulation of data or misappropriation of City-owned software.

RETALIATION PROHIBITED:

No City officer or employee shall use or threaten to use any official authority to influence, restrain, or prevent any other person who is acting in good faith and upon a reasonable good faith belief as a whistleblower. No City officer or employee shall use or threaten to use any official authority or influence to cause any adverse employment action (including discharge, demotion, suspension, harassment, or other forms of discrimination) as retaliation against a City officer or employee who acts as a whistleblower in good faith and with reasonable belief improper conduct has occurred. This Policy does not prohibit the City from taking an adverse action for legitimate or non-discriminatory reasons due to a mere causal connection to the protected Whistleblower activity. Such legitimate or non-discriminatory actions may include discipline for a legal cause or refusing to hire/promote/transfer or to take any other legitimate personnel action based on inadequate qualifications or poor performance reviews.

Investigation of Complaints: Depending upon on the nature of the complaint, the City Manager or her/his designee will investigate the complaint to determine if misconduct and/or violation of this Policy has occurred. To the extent permitted by personnel privacy laws, the City Manager or her/his designee will meet with the complainant to discuss the findings of the investigation and will use best efforts to ensure timely resolution of the matter.

Penalties: Any City officer or employee who violates this Policy shall be subject to discipline, up to and including dismissal. Under Section 8547.8 of the Government Code, any officer, manager, or supervisor who violates this Policy with malicious intent may be subject to a fine not to exceed $10,000 and imprisonment in county jail for up to a period of one year. In addition to all penalties provided by law, any local officer, manager, or supervisor who has been found by a court to have violated this Policy and

the State law under which it is promulgated may be individually liable for damages in an action brought against him or her by the injured employee.

PROCEDURES

When to report: A complaint filed under this Policy should be filed within 45 days of the date of the act or event which is subject of the complaint.

Whom to report to: If a City employee is making the report, all reports should first be made to the employee's supervisor, unless the report involves alleged misconduct of the supervisor. If the complaint is not against the supervisor, and action is within the supervisor's authority, the supervisor should take all actions necessary to curtail the behavior and determine the appropriate consequences and then inform the City Manager. If the action is not within the supervisor's authority, the supervisor should immediately report the matter to the City Manager.

If a City employee is making the report that involves alleged misconduct of her/his supervisor, the employee should report the matter directly to the Finance Director, the City Attorney, or the City Manager.

If someone other than a City employee is making the report, the report should be made to the Finance Director, the City Attorney, or the City Manager who will then follow up on the matter.

Although every effort will be made to protect the anonymity of the whistleblower, there may be situations where anonymity cannot be guaranteed.

How to Report: Use of the "Whistleblower Complaint Form" is desirable (located on the City website "Complaint Handling Process"; or in City Hall; see attached form). Submit the form to one of the following:

whistleblower@colfax-ca.gov ;

or mail to:

City of Colfax
Attention: Whistleblower Program
PO Box 702
Colfax, CA 95713.

WHISTLEBLOWER COMPLAINT FORM

Instructions:

Complete this form and return it to a supervisor, the Finance Director, or the City Manager. This is a confidential format to report any wrongdoing; if your report results in criminal prosecution, you may be called upon to testify and confidentiality may not be maintained.

Name (Optional): _____

Address (Optional): _____

_____

_____

Are you a City of Colfax employee? Yes No

If yes, what is your position or relationship to the City (Optional)? _____

Work Phone (Optional): _____

Home/Cell Phone (Optional): _____

1. Identify the person or persons against whom your allegations are made.

_____

2. Describe the nature of your complaint, the incident(s) or event(s), date(s), time(s), and place(s). Attach additional pages to this complaint if necessary.

_____

_____

_____

_____

_____

3. Identify others who may have observed or witnessed the incident(s) that you described.

_____

4. Do you have any documents that support your allegation? (Please list and attach copies).

_____

_____

_____

_____

Submit the completed form to one of the following:

Whistleblower@colfax-ca.gov or mail to:
City of Colfax
Attention Whistleblower Program
PO Box 702
Colfax, CA 95713

PERFORMANCE EVALUATIONS

Each employee will receive annual performance reviews conducted by his or her supervisor. Performance evaluations will take place within 30 days of your salary anniversary date. The frequency of performance evaluations may vary depending upon length of service, job position, past performance, changes in job duties, or recurring performance problems.

Your performance evaluations may review factors such as the quality and quantity of the work you perform, your knowledge of the job, your initiative, your work attitude, and your attitude toward others. The performance evaluations are intended to make you aware of your progress, areas for improvement, and objectives or goals for future work performance. Merit increase approvals will only be implemented after the employee has received a satisfactory or better rating justifying such an increase. Employees who receive late evaluations that are satisfactory or above shall receive retroactive pay back to their salary anniversary date.

You will have the opportunity to discuss your performance with your supervisor. You will be encouraged to comment about your work performance in a written statement attached to the appraisal. After the review, you will sign the evaluation report simply to acknowledge that it has been presented to you, that you have discussed it with your supervisor, and that you are aware of its contents. You will receive a copy of the evaluation and the original will be placed in your personnel file.

PERSONNEL RECORDS

The City maintains a personnel file for each City employee with the title of position held, department, salary, changes in employment status, and other pertinent information. The file also includes performance evaluations, educational records, and letters of recommendation and discipline. The City shall furnish copies of evaluations and reprimands to the employee prior to placement of such documents in their personnel file. Personnel files may only be accessed by the City Clerk, City Manager, Finance Director, and the employee's Department Head. The contents of your personnel file are available in the City Clerk's office for your review with sufficient notice to the City Clerk. You may request one copy of any document in your file at no cost. Subsequent copies can be obtained at the copy fee established in the City Fee Schedule.

If you wish to have information other than title of position held, department, salary, and changes in employment status regarding your work history released to prospective employers, creditors, or others, you must file a written authorization with the City Clerk.

CITY PROPERTY

TECHNOLOGY POLICY

Employees are expected to use electronic communication devices legally, ethically and in an appropriate manner that best represents the City of Colfax. The City of Colfax's policies against sexual or other harassment apply fully to all electronic communications systems, and any violation of those policies is grounds for discipline including discharge. In addition, employees are prohibited from sending, receiving, displaying, printing, or otherwise disseminating material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful, inappropriate, offensive, or disruptive to City activities. Employees are also prohibited from downloading such material from the internet or displaying or storing such material in the City's computers or servers. Employees encountering or receiving this kind of material should immediately report the incident to their supervisor, City Clerk, or the City Manager. Employees are expected to remain respectful of the City, its managers and employees, and the public in any electronic communications. Violations of any of these provisions may result in disciplinary action including discharge.

Use of City Property, Equipment, and Technology

Employees understand that they do not have a reasonable expectation of privacy in their use of City property/equipment or technology. Individuals utilizing property, equipment including vehicles, office space, cubicles, desks, building access cards, computers, e-mail, internet, telephones, cell phones, and voicemail systems expressly consent to monitoring of their activities for business needs. Employees should not use any City property or equipment (including vehicles and technology) for their personal use, except when it is reasonable so as not to interfere with the performance of job duties or does not violate other City policies. Employees are responsible for the condition and care of City equipment. Careless use of City property, equipment, vehicles and technology which results in loss, damage or any other violation of policy or procedure may result in disciplinary action including termination.

Telephones and Cell Phones

The City recognizes that employees will occasionally need to place and receive personal phone calls or text messages during the workday. In all cases, personal calls and text messages should be minimal and appropriate so as not to interfere with the performance of duties. The City may review usage of City-issued cell phones for calls and text messages made during working hours, to determine if the employee's personal use is excessive. Excessive personal use of City cell phones may result in

reimbursement of charges to the City and or disciplinary action.

Employees are not permitted to make personal international telephone calls using City telephones or cell phones, except in emergencies. Employees may place personal international calls if they use their personal calling card, or call collect.

Employees with cell phones must not use their phones while driving on City business without proper hands-free technology. Safety must come before all other concerns. Regardless of the circumstances, if hands-free options are not available employees should proceed to a safe location off the road and safely stop the vehicle before placing or accepting a call. This prohibition includes any use of the cell phone or other wireless communications device, such as answering or placing calls, engaging in conversations, texting, web browsing or using any smart phone application while driving. Writing, sending, or reading text-based communication - including text messaging, instant messaging. e-mail, web browsing and use of smart phone applications - on a wireless device or cell phone while driving is also prohibited under this policy.

Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

If your job requires that you keep your cell phone or other wireless communication device turned on while you are driving, you must use a hands-free, voice-operated device at all times.

Employees Under Age 18

A person under the age of 18 years is prohibited from driving a motor vehicle while using a wireless telephone, even if equipped with a hands-free device, or while using a mobile service device. The prohibition would not apply to such a person using a wireless telephone or a mobile service device for emergency purposes. You must safely pull off the road before conducting City business.

Protection of the City’s Electronic Information

For purposes of these policies, the following definitions apply: "Computers" are defined as desktop computers, laptops, smart phones, tablets, phablets, and servers.

The City uses various forms of "electronic communication." "Electronic communication" includes e-mail, text messaging, fax machines, and online services.

"Electronic information" is any information created by an employee using computers or any means of electronic communication.

The following general policies apply:

- Computers and all data transmitted through the City servers are City property owned by the City for the purpose of conducting City business. These items

must be maintained according to the City's rules and regulations. Computers must be kept clean and employees must exercise care to prevent loss and damage. Prior authorization must be obtained before any City property may be removed from the premises.

- All electronic communications also remain the sole property of the City and are to be used for City business. For example, email communications are considered City records.
- Electronic information created by an employee using any computer or any means of electronic communication is also the property of the City and remains the property of the City.
- Information stored in City computers and servers is the property of the City and may not be distributed outside the City in any form whatsoever without the expressed permission of the City Clerk or City Manager.
- Violation of any of the provisions of this policy, whether intentional or not, may subject City employees to disciplinary action, up to and including termination.

Monitoring of City Property

The City reserves the right to inspect all City property to ensure compliance with its rules and regulations without notice to the employee and at any time and not necessarily in the employee's presence. The City computers, all electronic communications, and electronic information are subject to monitoring and no one should expect privacy regarding such use. The City reserves the right to access, review and monitor electronic files, information, messages, text messages, e-mail, internet history, and other digital archives and to access, review and monitor the use of computers, software, and electronic communications to ensure that no misuse or violation of City policy or any law occurs. E-mail may be monitored by the City and there is no expectation of privacy. Assume that e-mail may be accessed, forwarded, read or heard by someone other than the intended recipient, even if marked as "private."

Employee passwords may be used for purposes of security but the use of a password does not affect the City's ownership of the electronic information or ability to monitor the information. The City may override an employee's password for any reason.

Employees are not permitted to access the electronic communications of other employees or third parties unless directed to do so by City management.

Computer and Internet Use

The City provides computers, electronic communications, electronic information, and information technology resources to its employees to help them do their job. Generally, these City resources should be used for business related purposes. The City recognizes that occasional personal use of these City resources and property may

occur during work time. The City allows such occasional personal use as long as the usage does not interfere with the employee's work performance, take away from work time, consume supplies, slow other users, slow the servers or computer systems, or violate any City policy, including policies against harassment, discrimination and disclosure of confidential or trade secret information.

This policy is not intended to limit the ability of employees to use City email systems to communicate with other employees regarding the terms and conditions of their employment, including such topics as wages, job performance, workload, supervisors or staffing.

All policies relating to monitoring usage of City property apply. The City reserves the right to adjust this policy on a case by case basis as it deems appropriate.

Social Media

The City uses social media in limited circumstances for defined business purposes. Social media is a set of internet tools that aid in the facilitation of interaction between people online. If you have specific questions about which programs the City deems to be social media, consult with the City Manager.

Use of internet based social networks such as Facebook, or Twitter (this is not meant to be an exhaustive list) may be used in furtherance of City goals. Only authorized individuals are allowed to speak/write in the name of the City using the social media tools of the City. The City Manager will authorize you in writing if you can use these City social media tools to perform your job duties. Authorized individuals using the City social media tools shall identify themselves honestly, accurately and completely and comply with all City policies in using this media.

Your authorization is limited to business purposes and personal use of these City social media tools or programs is prohibited and can result in discipline up to and including termination. All policies relating to monitoring usage of City property apply.

Nothing in the City social media policy is designed to interfere with, restrain or prevent employee communications regarding wages, hours or other terms and conditions of employment.

Employee-owned Devices

The City recognizes that occasional use of the employee's own computers (including hand held devices) and electronic communications may occur during work time. The City allows such occasional personal use as long as the usage does not interfere with the employee's work performance, take away from work time or violate any City policy. All other City policies, including the City's no tolerance for discrimination, harassment or retaliation in the workplace apply. The City reserves the right to adjust this policy on a

case by case basis as it deems appropriate.

The City does not have the right to search employee personal cell phones. Note, however, employee correspondence related to City business is subject to the Public Records Act even if it is created and sent on personal devices and email accounts.

HOUSEKEEPING

All employees are expected to keep their work areas clean and organized. Employees using common areas such as lunch rooms, locker rooms, and restrooms are expected to keep them sanitary. Please clean up after meals and dispose of trash properly.

SMOKING

Smoking is prohibited in the workplace including City buildings, City worksites, City vehicles, and public parks unless in a designated smoke area. The smoking prohibition applies to all smoking devices, including, but not limited to, the use of electronic smoking devices, such as electronic cigarettes, pipes, hookahs, and vaping devices.

SOLICITATION AND DISTRIBUTION OF LITERATURE

In order to ensure efficient operation of the City's business and to prevent disruption to employees, solicitation and distribution of literature on City property is limited. Any employee who is in doubt concerning the application of this policy should consult with his or her supervisor.

No employee shall solicit or promote support for any cause or organization during his or her working time or during the working time of the employee or employees at whom such activity is directed.

In general, non-employees will not be permitted to solicit or to distribute written material for any purpose on City property. Representatives of the Union may post organizational notices or informational literature for represented employees on City bulletin boards. Non-profit organizations may post notices on the City Hall public bulletin board with the approval of the City Clerk.

EMPLOYEE CONDUCT

CONFIDENTIAL INFORMATION

Each employee is responsible for safeguarding confidential information obtained during employment. In the course of your work, you may have access to protected or confidential information regarding City business (such as financial data, development plans or strategies, suppliers, business partners or customers). You have a responsibility to prevent revealing or divulging any such information unless it is necessary for you to do so in the performance of your duties or as required by law.

Access to, or disclosure of, confidential information should be on a "need-to-know" basis and must be authorized by your supervisor. Any breach of this policy will not be tolerated and legal action may be taken by the City.

This policy does not prohibit employees from disclosing confidential information to federal, state and local government officials, or to an attorney, when done to report or investigate a suspected violation of the law. Employees may also disclose the information in certain court proceedings if specific procedures to protect the information are followed. Nothing in this policy is intended to conflict with 18 U.S.C. § sec. 1833(b) or create liability for disclosures that are expressly allowed by 18 U.S.C. § sec. 1833(b).

Most City documents are subject to the Public Records Act. Requests for documents must be submitted through the City Clerk to ensure proper logging of and response to such requests for information.

CONFLICTS OF INTEREST

In compliance with CA Government Code sections 1090(conflicts of interest), 1126(incompatible activities) and 87100 et seq. (Political Reform Act), all employees must avoid situations involving actual conflict of interest. California Codes are available online.

Personal or romantic involvement with a supplier, City contractor, or subordinate employee of the City, which impairs an employee's ability to exercise good judgment on behalf of the City, can create an actual conflict of interest. Supervisor-subordinate romantic or personal relationships also can lead to supervisory problems, possible claims of sexual harassment, and morale problems.

An employee involved in any of the types of relationships or situations described in this policy should immediately and fully disclose the relevant circumstances to his or her immediate supervisor, or any other appropriate supervisor, for a determination about

whether an actual conflict exists. If an actual conflict is determined, the City may take whatever corrective action appears appropriate according to the circumstances. Failure to disclose facts shall constitute grounds for disciplinary action.

DRESS CODES AND OTHER PERSONAL STANDARDS

Employees are expected to wear clothing appropriate for the nature of our business and the type of work performed. Clothing should be neat, clean and tasteful. Avoid clothing that can create a safety hazard. Department managers may issue more specific guidelines.

Because each employee is a representative of the City in the eyes of the public, each employee must report to work properly groomed and wearing appropriate clothing. Employees are expected to dress neatly and in a manner consistent with the nature of the work performed. Employees who report to work inappropriately dressed may be asked to clock out and return in acceptable attire.

Tank or halter tops, and flip-flops are not permitted for any employees. All clothing should be clean and without rips or holes.

All employees required to wear uniforms provided by the City must take care of their uniforms and report any wear or damage to their supervisors. Instructions regarding cleaning and maintenance of uniforms will be provided. Supervisors will inform you of additional requirements regarding acceptable attire. Certain employees may be required to wear safety equipment or clothing. Any deviations from these guidelines must be approved by your supervisor.

Any employee when working on, in or near any public street, is required to wear bright clothing with reflective patches, commonly referred to as personal protective equipment (PPE). PPE will be supplied to each employee who requires it as a function of their job duties. It is the employee's responsibility to determine when PPE is required. Contact your supervisor if your PPE is not available prior to commencing any duty which requires PPE's.

Employees who need a reasonable accommodation because of religious beliefs, observances or practices should contact the City Clerk and discuss the need for accommodation.

DRUG AND ALCOHOL ABUSE

The City is concerned about the use of alcohol, marijuana, illegal drugs or controlled substances as it affects the workplace. Use of these substances, whether on or off the job can detract from an employee's work performance, efficiency, safety, and health, and seriously impair City operations. In addition, the use or possession of these substances on the job constitutes a potential danger to the welfare and safety of other employees and exposes the City to the risks of property loss or damage, or injury to other persons.

The following rules and standards of conduct apply to all employees while on City property, at work, or working on City business. The following are strictly prohibited by City policy:

- Being under the influence of or impaired by an illegal or controlled substance, alcohol, or marijuana while on the job, on standby or when acting on the City's behalf.
- Using or possessing illegal or controlled substances, alcohol or marijuana while on the job (including the illegal use of prescription drugs and possessing drug paraphernalia)
- Distributing, selling, or purchasing of an illegal or controlled substance, alcohol or marijuana while on the job.

Violation of these rules and standards of conduct will not be tolerated. The City also may bring the matter to the attention of appropriate law enforcement authorities.

In order to enforce this policy, the City reserves the right to conduct searches of City property, and to implement other measures necessary to deter and detect abuse of this policy, including random drug screening.

An employee's conviction on a charge of illegal sale or possession of any controlled substance while off City property will not be tolerated because such conduct, even though off duty, reflects adversely on the City. In addition, the City must keep people who sell or possess controlled substances off City premises in order to keep the controlled substances themselves off the premises.

The City will encourage and reasonably accommodate employees with alcohol, marijuana or drug dependencies to seek treatment and/or rehabilitation. Employees desiring such assistance should request a treatment or rehabilitation leave. The City is not obligated to continue to employ any person whose performance of essential job duties is impaired because of drug, alcohol or marijuana use. Additionally, employees who are given the opportunity to seek treatment and/or rehabilitation, but fail to successfully overcome their dependency or problem, will not automatically be

reemployed or be given a second opportunity to seek treatment and/or rehabilitation. This policy on treatment and rehabilitation is not intended to affect the City's treatment of employees who violate the regulations described previously. Rather, rehabilitation is an option for an employee who acknowledges a chemical dependency and voluntarily seeks treatment to end that dependency.

Employees are expected to use common sense with the authorized use of prescription medications. Employees must not operate equipment or vehicles while under the influence of medications which may alter the ability to perform correctly and safely.

NEWS MEDIA CONTACTS

Employees may be approached for interviews or comments by the news media. Only those persons designated by the City Manager may comment to news reporters on City policy or events relevant to the City.

OFF-DUTY CONDUCT

While The City does not seek to interfere with the off-duty and personal conduct of its employees, certain types of off-duty conduct may reflect negatively on the City image.

Off-duty conduct by an employee that directly conflicts with the City's image or disrupts operations will not be tolerated. Consult with your supervisor for clarification about what constitutes inappropriate behavior.

POLITICAL ACTIVITY

Many employees participate in political activities on their own time. City time, facilities, property or equipment (including all computers, networks, and electronic equipment) must not be used for an employee's outside political activities. The City will not reimburse any employee for political contributions, and employees should not attempt to receive or facilitate such reimbursements.

Absent a formal statement by the City announcing any political endorsements, employees must not, through their own actions, speech, contributions, or written communication, mislead others to believe that the City officially endorses or opposes any candidates for political office that the City itself has not publicly announced. City employees are entitled to their own personal position.

The City will not discriminate against employees based on their lawful political activity engaged in outside of work. Employees who are also City residents may contact any/all Councilmembers on any item related to City business.

PROHIBITED CONDUCT

Employees are expected to conduct themselves in a manner to further the City's objectives. The following conduct is prohibited and will not be tolerated. This list of prohibited conduct is illustrative only; other types of conduct that threaten security, personal safety, employee welfare and City operations also may be prohibited and will result in disciplinary action up to and including termination.

- Falsifying employment records, employment information, or other City records.
- Inefficient or careless performance of job responsibilities or inability to perform job duties satisfactorily.
- Recording the work time of another employee or allowing another employee to record your work time. Falsifying any time card.
- Theft and deliberate or careless damage or destruction of any City property, or the property of any employee or customer.
- Removing or borrowing City property without prior authorization.
- Unauthorized use or misuse of City equipment, time, materials, or facilities.
- Provoking a fight or fighting during working hours or on City property.
- Participating in horseplay or practical jokes on City time or on City premises.
- Carrying firearms or any other dangerous weapons on City premises.
- Engaging in criminal conduct whether or not related to job performance.
- Causing, creating or participating in a disruption of any kind during working hours on City property.
- Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward a supervisor or member of management.
- Using abusive, threatening or intimidating language at any time on City premises.
- Violation of City punctuality and attendance policies. Absences protected by state or federal law do not count as violations of this policy. Protected paid sick time under California law does not count as a violation of this policy.
- Failing to obtain permission to leave work for any reason during normal working hours, not including meal periods or breaks.
- Failing to observe working schedules, including rest and lunch periods.
- Sleeping or malingering on the job.
- Working overtime without authorization or refusing to work assigned overtime.
- Violation of dress standards.
- Violating any safety, health, security or City policy, rule, procedure or violation of the City's drug and alcohol policy.
- Committing a fraudulent act or a breach of trust under any circumstances.
- Violating the City's anti-harassment or equal employment opportunity policies.

- Failing to promptly report work-related injury or illness.
- Providing wrong or misleading information or other fraud in securing appointment, promotion or maintaining employment.
- Violation of the City's or a department's confidentiality policies, or disclosure of confidential City information to any unauthorized person or entity.
- Mishandling or gift of public funds.
- Discourteous, non-cooperative or offensive treatment of the public, City elected officials, City employees, or volunteers.
- Failure to cooperate in an inquiry or investigation of an alleged violation of City rules.
- Failure to maintain a current license or certificate as a condition of employment.
- Improper political activity as defined by state law.
- Any conduct that impairs, disrupts, or causes discredit to the City, to the public service, or other employee's employment.

Note to Represented Employees: The list of inappropriate activities which are cause for disciplinary action in Article 26 of the MOU supersedes this list.

PUNCTUALITY AND ATTENDANCE

As an employee, you are expected to be punctual and regular in attendance. Any tardiness or absence causes problems for your fellow employees and your supervisor. When you are absent, your assigned work must be performed by others.

Employees are expected to report to work as scheduled, on time, and prepared to start work. Employees also are expected to remain at work for their entire work schedule, except for meal periods or when required to leave on authorized City business. Late arrivals, early departures or other unanticipated and unapproved absences from scheduled hours are disruptive and must be avoided.

If you are unable to report for work on any particular day, you must provide reasonable advance notice (30 minutes) to your supervisor before the time you are scheduled to begin working for that day. You must inform your supervisor of the expected duration of any absence. If you fail to provide reasonable advance notice before your scheduled time to begin work and do not arrive in time for your assigned shift, you will be considered tardy for that day. If the circumstances for your tardiness or absence were unforeseen, inform your supervisor as soon as practicable of the reason for the tardiness or absenteeism.

Excessive absenteeism or tardiness, providing false information or abuse of leave laws will not be tolerated.

Absences protected by local, state and federal law do not count as a violation of the punctuality and attendance policy and will not be counted toward discipline.

RIGHT TO ORGANIZE

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. Employees of the City shall also have the right to refuse to join or participate in their employment relations with the City. No employee shall be interfered with, intimidated, restrained, coerced or discriminated against by the City or by any employee organization because of his exercise of these rights.

SAFETY AND HEALTH

EMPLOYEES WHO ARE REQUIRED TO DRIVE

Employees whose job duties require them to drive a City vehicle or their own vehicles for City business will be required to show proof of current valid driving licenses and proof of insurability under the City's policy or current effective insurance coverage before the first day of employment.

The City participates in a system that regularly checks state Department of Motor Vehicles (DMV) records of all employees who are required to drive as part of their job.

If an employee is required to drive as part of his or her job, the City retains the right to transfer to an alternative position, suspend, or terminate an employee whose license is suspended or revoked, or who fails to maintain personal automobile insurance coverage or who is uninsurable under the City's policy.

Employees who drive their own vehicles on City business will be reimbursed at the rate of Federal Rate per mile.

Driver's License Renewal for represented employees: The City agrees that employees who are required as a condition of continued employment to maintain a valid California driver's license shall be granted up to three (3) hours paid time off for the purpose of completing the required Department of Motor Vehicle written exams.

ERGONOMICS

The City is subject to Cal/OSHA ergonomics standards for minimizing workplace repetitive motion injuries. The City will make necessary adjustments to reduce exposure to ergonomic hazards through modifications to equipment and processes and employee training. The City encourages safe and proper work procedures and requires all employees to follow safety instructions and guidelines.

The City believes that reduction of ergonomic risk is instrumental in maintaining an environment of personal safety and well-being, and is essential to our business. We intend to provide appropriate resources to create a risk-free environment. If you have any questions about ergonomics, please contact the Technical Services Manager.

HEALTH AND SAFETY

All employees are responsible for their own safety, as well as that of others in the workplace. To help us maintain a safe workplace, everyone must be safety-conscious at all times. Report all work-related injuries or illnesses immediately to your supervisor or to the City Clerk. In compliance with California law, and to promote the concept of a safe workplace, the City maintains an Injury and Illness Prevention Program. The Injury and Illness Prevention Program is available for review by employees and/or employee representatives in the City Clerk's office.

In compliance with California Proposition 65, the City will inform employees of any known exposure to a chemical known to cause cancer or reproductive toxicity.

HEAT ILLNESS

The City is concerned with employee health and safety. Employees who work outside may be exposed to extreme temperatures or adverse working conditions, particularly in the summer months. All supervisors are trained in the recognition and prevention of heat illness. Employees who work outside are encouraged to frequently drink water. Employees who work outside are also allowed and encouraged to take a cool-down rest in the shade of at least five minutes (in addition to the time needed to access the shade) when needed to protect themselves from overheating. These preventative cool-down rests are paid time.

Please refer to the City's Injury Illness and Prevention Program or talk to your supervisor for details on how to ensure you are protected from heat illness dangers.

WORKPLACE VIOLENCE

The City has zero tolerance for acts of violence and threats of violence. Without exception, acts and threats of violence are not permitted. All such acts and threats, even those made in apparent jest, will be taken seriously, and will lead to discipline up to and including termination.

Possession of non-work related weapons on City premises and at City-sponsored events shall constitute a threat of violence.

It is every employee's responsibility to assist in establishing and maintaining a violence-free work environment. Therefore, each employee is expected and encouraged to report any incident which may be threatening to you or your co-workers or any event which you reasonably believe is threatening or violent.

You may report an incident to any supervisor or manager.

A threat includes, but is not limited to, any indication of intent to harm a person or damage City property. Threats may be direct or indirect, and they may be communicated verbally or nonverbally. The following are examples of threats and acts that shall be considered violent - this list is in no way all-inclusive:

Example	Type of Threat
Saying, "Do you want to see your next birthday?"	Indirect
Writing, "Employees who kill their supervisors have the right idea."	Indirect
Saying, "I'm going to punch your lights out."	Direct
Making a hitting motion or obscene gesture	Nonverbal
Displaying weapons	Extreme
Stalking or otherwise forcing undue attention on someone, whether romantic or hostile	Extreme
Taking actions likely to cause bodily harm or property damage	Acts of violence

LEAVES OF ABSENCE

SICK LEAVE

California law provides for mandatory paid sick leave under the Healthy Workplaces, Healthy Families Act (the Act). This paid sick leave policy is intended to comply with the requirements of the Act. Please refer to the Benefits Matrix on page 14 to determine your benefit.

Employees cannot be discriminated or retaliated against for requesting or using accrued paid sick time.

If you have any questions about paid sick leave, please contact the Finance Director.

SICK PAY AMOUNT

Eligible employees will receive sick leave as follows:

Regular full time employees accrue sick leave at a rate of 3.69 hours/pay period.

Regular part time employees with over 20 hours/week accrue sick leave at a prorated rate based on hours worked/pay period.

Regular part time employees with under 20 hours/week or temporary employees are provided with no less than 24 hours of paid sick leave at the beginning of each 12-month period which may be utilized ninety days after date of employment.

Exempt employees are presumed to work 40 hours per workweek for purposes of sick time accrual. If their normal workweek is less than 40 hours, accrual will be based on their normal workweek.

The City does not pay employees for unused paid sick leave. Employees who are rehired with one year of separation from employment may be eligible for reinstatement of previously accrued and unused paid sick time.

QUALIFYING REASONS FOR PAID SICK LEAVE

Paid sick time can be used for the following reasons:

- Diagnosis, care or treatment of an existing health condition for an employee or covered family member, as defined below.
- Preventive care for an employee or an employee's covered family member.
- For certain, specified purposes when the employee is a victim of domestic violence, sexual assault or stalking.

COVERED FAMILY MEMBERS

- A child defined as a biological, foster or adopted child; a stepchild; or a legal ward, regardless of the age or dependency status of the child. A child also may be someone for whom you have accepted the duties and responsibilities of raising, even if he or she is not your legal child.
- A parent defined as a biological, foster or adoptive parent; a stepparent; or a legal guardian of an employee or the employee's spouse or registered domestic partner. A parent may also be someone who accepted the duties and responsibilities of raising you when you were a minor child, even if he or she is not your legal parent.
- A spouse.
- A registered domestic partner.
- A grandparent.
- A grandchild.
- A sibling.

USE OF PAID SICK LEAVE

If the need for paid sick leave is foreseeable, employees shall provide advance oral or written notification to the Supervisor. If the need for paid sick leave is not foreseeable, employees shall provide notice to the Supervisor as soon as practicable.

An employee's use of paid sick time may run concurrently with other leaves under local, state or federal law.

Paid sick leave can be used in 1 hour increments. If an employee uses sick leave for 3 consecutive days he/she may be required to provide a note from the Doctor before returning to work.

FAMILY AND MEDICAL LEAVE

Family and Medical Leave is governed by the Federal Medical Leave Act (FMLA) and the California Family Rights Act (CFRA). State and federal family and medical leave laws provide up to 12 workweeks of unpaid family/medical leave within a 12-month period, under the following conditions:

- The employee has been employed with the City for a total of at least 12 months prior to the commencement of leave. The 12 months of employment must have accumulated within the previous seven years (certain exceptions apply);
- The employee has worked at least 1,250 hours during the previous 12-month period before the need for leave;

Leave may be taken for one or more of the following reasons:

- The birth of the employee's child, or placement of a child with the employee for adoption or foster care (FMLA/CFRA);
- For incapacity due to pregnancy, prenatal medical care or child birth (FMLA only);
- For a serious health condition that makes the employee unable to perform his or her job (FMLA/CFRA);
- To care for the employee's spouse, child, or parent who has a serious health condition (FMLA/CFRA);
- To care for the employee's registered domestic partner (CFRA only).

For additional information about eligibility for family/medical leave, contact the City Clerk.

MILITARY FAMILY LEAVE ENTITLEMENTS

- Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
- Eligible employees may also take a special leave entitlement of up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. (FMLA/CFRA for 12 weeks if the care provider is eligible for both, followed by 14 weeks of (FMLA only), or 26 weeks of FMLA only if leave is not CFRA covered leave). A covered servicemember is either:
    - A current member of the Armed forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or
    - A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.**

**The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition."

CALCULATING THE 12-MONTH PERIOD

For purposes of calculating the 12-month period during which 12 weeks of FMLA or qualifying exigency leaves may be taken, the City uses a “rolling” 12-month period measured backward from the date an employee uses any FMLA leave. Under the ‘‘rolling’’ 12-month period, each time an employee takes FMLA leave, the remaining leave entitlement would be the balance of the 12 weeks which has not been used during the immediately preceding 12 months.

Under most circumstances, leave under federal and state law will run at the same time and the eligible employee will be entitled to a total of 12 weeks of family and medical leave in the designated 12-month period. For leave to care for a covered servicemember, the 12-month period begins on the first day of the leave, regardless of how the 12-month period is calculated for other leaves. Leave to care for a covered servicemember is for a maximum of 26 workweeks during a 12-month period.

PREGNANCY, CHILDBIRTH OR RELATED CONDITIONS

Leave because of the employee's disability for pregnancy, childbirth or related medical condition is not counted as time used under California law (CFRA). Family time off because of pregnancy disability, childbirth or related medical condition does count as family and medical leave under federal law (FMLA). Employees who take time off for pregnancy disability and who are eligible for family and medical leave will also be placed on family and medical leave that runs at the same time as their pregnancy disability leave. Once the pregnant employee is no longer disabled, or once the employee has exhausted PDL and has given birth she may apply for leave under the CFRA for purposes of baby bonding.

Any leave taken for the birth, adoption, or foster care placement of a child does not have to be taken in one continuous period of time. CFRA leave taken for the birth or placement of a child will be granted in minimum amounts of two weeks. The City will grant a request for a California Family Rights Act leave (for birth/placement of a child) of less than two weeks' duration on any two occasions. The City may also grant additional requests for leave lasting less than two weeks at its discretion. Any leave taken must be concluded within one year of the birth or placement of the child with the employee.

LEAVE PROCEDURES

The following procedures shall apply when an employee requests family medical leave:

- Please contact the City Clerk as soon as you realize the need for family/medical leave. If the leave is based on the expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or a family member, the employee must notify the City at least 30 days before leave is to begin. The employee must consult with his or her supervisor regarding scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of the City. Any such scheduling is subject to the approval of the health care provider of the employee or the health care provider of the employee's child, parent, or spouse.
- If the employee cannot provide 30 days' notice, the City must be informed as soon as is practical.
- If the FMLA/CRFA request is made because of the employee's own serious health condition, the City may require, at its expense, a second opinion from a health care provider that the City chooses. The health care provider designated to give a second opinion will not be one who is employed on a regular basis by the City.

- If the second opinion differs from the first opinion, the City may require, at its expense, the employee to obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee. The opinion of the third health care provider shall be considered final and binding on the City and the employee.

CERTIFICATION

The City requires the employee to provide certification. You will have 15 calendar days from the City's request for certification to provide it to the City, unless it is not practicable to do so. The City may require recertification from the health care provider if the employee requests additional leave upon expiration of the time period in the original certification. *(For example, if an employee needs two weeks of FMLA, but following the two weeks needs intermittent leave, a new medical certification will be requested and required.)* If the employee does not provide medical certification in a timely manner to substantiate the need for family and medical leave, the City may delay approval of the leave, or continuation thereof, until certification is received. If certification is never received, the leave may not be considered family and medical leave.

If the leave is needed to care for a sick child, spouse, or parent, the employee must provide a certification from the health care provider stating:

- Date of commencement of the serious health condition.
- Probable duration of the condition.
- Estimated amount of time for care by the health care provider.
- Confirmation the serious health condition warrants the employee's participation.

When both parents are employed by the City, and request for simultaneous leave for the birth or placement for adoption or foster care of a child, the City will not grant more than a total of 12 workweeks family/medical leave for this reason.

If an employee cites his/her own serious health condition as a reason for leave, the employee must provide a certification from the health care provider stating:

- Date of commencement of the serious health condition.
- Probable duration of the condition.
- Inability of the employee to work at all or to perform any one or more of the essential functions of his/her position because of the serious health condition.

If an employee is absent because of his/her own serious health condition, the City will also require a medical release to return to work form or certification from the employee's health care provider that the employee is able to resume work. Failure to provide a release to return to work certificate from the employee's health care provider will result in denial of reinstatement for the employee until the certificate is obtained.

LEAVE RELATED TO MILITARY SERVICE

A leave taken due to a qualifying exigency related to military service must be supported by a certification of its necessity. A leave taken due to the need to care for a servicemember shall be supported by a certification by the servicemember's health care provider or other certification allowed by law. Special certification requirements apply to leaves related to military service.

HEALTH AND BENEFIT PLANS

An employee taking family medical leave will be allowed to continue participating in any health and welfare benefit plans in which he/she was enrolled before the first day of the leave (for a maximum of 12 workweeks, or 26 workweeks if the leave is to care for a covered servicemember) at the level and under the conditions of coverage as if the employee had continued in employment for the duration of such leave. The City will continue to make the same premium contribution as if the employee had continued working. The continued participation in health benefits begins on the date leave first begins. In some instances, the City may recover from an employee premiums paid to maintain health coverage if the employee fails to return to work following family/medical leave.

Employees on pregnancy disability leave will be allowed to continue to participate in group health coverage for up to a maximum of four months of pregnancy disability leave (if such insurance was provided before the leave was taken) on the same terms as if you had continued to work. The right to continued group health coverage during pregnancy disability leave is a separate and distinct entitlement from the CFRA entitlement.

Payment is due when it would be made by payroll deduction.

SUBSTITUTION OF PAID LEAVE

Generally, FMLA/CFRA leave is unpaid. The City may require, or employees may choose, to use accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the City’s normal paid leave policies. For more information on those specific circumstances requiring or allowing the substitution of paid leave contact City Clerk.

REINSTATEMENT

Under most circumstances, upon return from family/medical leave, an employee will be reinstated to his or her original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. An employee has no greater right to reinstatement than if he or she had been continuously employed rather than on leave. For example, if an employee on family/medical leave would have been laid off had he or she not gone on leave, or if the employee's job is eliminated during the leave and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement. In addition, an employee's use of family/medical leave will not result in the loss of any employment benefit that the employee earned before using family/medical leave.

Reinstatement after family/medical leave may be denied to certain salaried key employees under the following conditions:

- An employee requesting reinstatement was among the highest-paid 10 percent of salaried employees employed within 75 miles of the worksite at which the employee worked at the time of the leave request.
- The refusal to reinstate is necessary because reinstatement would cause substantial and grievous economic injury to the City's operations.
- The employee is notified of the City's intent to refuse reinstatement at the time the City determines the refusal is necessary.
- If leave has already begun, the City gives the employee a reasonable opportunity to return to work following the notice described previously.

TIME ACCRUAL

Please contact the City Clerk with any questions regarding accrual of other City provided paid leave benefits (such as vacation, PTO or sick leave) during unpaid FMLA/CFRA leave.

CARRYOVER

Leave granted under any of the reasons provided by state and federal law will be counted as family/medical leave and will be considered as part of the 12-workweek entitlement (26-workweek entitlement if leave is to care for a servicemember) in any 12-month period. No carryover of unused leave from one 12-month period to the next 12-month period is permitted.

INTERMITTENT LEAVE

Employees may take Family and Medical Leave Act/California Family Rights Act leave intermittently (in blocks of time, or by reducing their normal weekly or daily work schedule) if the leave is for the serious health condition of the employee or a qualifying family member and the reduced leave schedule is medically necessary as determined by the health care provider of the person with the serious health condition. The smallest increment of time that can be used for such leave is 1 hour. See also the discussion of Pregnancy, Childbirth or Related Medical Conditions above.

PREGNANCY DISABILITY LEAVE (PDL)

If you are pregnant, have a related medical condition, or are recovering from childbirth, please review this policy. Any employee planning to take pregnancy disability leave should advise the City Clerk as early as possible. The individual should make an appointment with the City Clerk to discuss the following conditions:

- Duration of pregnancy disability leave will be determined by the advice of the employee's physician, but employees disabled by pregnancy may take up to four months of leave per pregnancy (the working days you normally would work in one-third of a year or 17 1/3 weeks). Part-time employees are entitled to leave on a pro rata basis. The four months of leave includes any period of time for actual disability caused by the employee's pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness and for prenatal care, doctor-ordered bed rest, as well as other reasons. Your healthcare provider determines how much time you need for your disability.
- The City will also reasonably accommodate medical needs related to pregnancy, childbirth, or related conditions or temporarily transfer you to a less strenuous or hazardous position (where one is available) or duties if medically needed because of your pregnancy.
- Employees who need to take pregnancy disability must inform the City when a leave is expected to begin and how long it will likely last. If the need for a leave, reasonable accommodation, or transfer is foreseeable (such as the expected birth of a child or a planned medical treatment for yourself), employees must provide at least 30 days advance notice before the pregnancy disability leave or transfer is to begin. Employees must consult with the supervisor regarding the scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of the City. Any such scheduling is subject to the approval of the employee's health care provider.

- For emergencies unforeseeable events, notify the City, at least verbally, as soon as practical after you learn of the need for the leave.
- Failure to comply with these notice requirements may result in delay of leave, reasonable accommodation, or transfer.
- Pregnancy leave usually begins when ordered by the employee's physician. The employee must provide the City with a written certification from a health care provider for need of PDL, reasonable accommodation or transfer. The certification must be returned no later than 15 calendar days after it is requested by the City. Failure to do so may, in some circumstances, delay PDL leave, reasonable accommodation or transfer. Please see the City Clerk for a medical certification form to give to your health provider.
- Return from leave requires a release from employee's physician.
- An employee will be required to use accrued sick time (if otherwise eligible to take the time) during a pregnancy disability leave. An employee will be allowed to use accrued vacation or personal time (if otherwise eligible to take the time) during a pregnancy disability leave.
- Leave does not need to be taken in one continuous period of time and may be taken intermittently, as needed. Leave may be taken in increments of 1 hour.

Upon submission of a medical certification that an employee is able to return to work from a pregnancy disability leave, an employee will be reinstated to her same position held at the time the leave began or, in certain instances, to a comparable position, if available. There are limited exceptions to this policy. An employee returning from a pregnancy disability leave has no greater right to reinstatement than if the employee had been continuously employed.

Employees on pregnancy disability leave will be allowed to continue to participate in group health insurance coverage for up to a maximum of four months of disability leave (if such insurance was provided before the leave was taken) at the level and under the conditions that coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. In some instances, an employer can recover from an employee premiums paid to maintain health coverage if the employee fails to return following pregnancy disability leave. PDL may impact other benefits or a seniority date. Please contact the City Clerk for more information.

JURY DUTY AND WITNESS LEAVE

The City encourages employees to serve on jury duty when called. Non-exempt employees who have completed their introductory periods will receive full pay while serving up to 20 days of jury duty. Exempt employees will receive full salary unless they are absent for a full week and perform no work. You should notify your supervisor of the need for time off for jury duty as soon as a notice or summons from the court is received. You may be requested to provide written verification from the court clerk of performance of jury service. If work time remains after any day of jury selection or jury duty, you will be expected to return to work for the remainder of your work schedule.

MILITARY LEAVE

Employees who wish to serve in the military and take military leave should contact their Supervisor for information about their rights before and after such leave. You are entitled to reinstatement upon completion of military service, provided you return or apply for reinstatement within the time allowed by law. Authorized leaves of absence for National Guard/Reservist annual training shall be granted in accordance with the provisions of State law. An employee entitled to military leave shall give the City Manager an opportunity within the limits of military regulations to determine when such leave shall be taken. Extensions of unpaid leave beyond State law are subject to the discretion of the City Manager.

BEREAVEMENT LEAVE

In the event of a death of any “immediate family member” of an employee, the employee will be entitled to a period of three (3) consecutive work days of leave with pay. This leave can only be taken within seven (7) days after the death of the family member or within seven (7) days of the date of the funeral or memorial service. “Immediate family member” shall include Employee’s spouse, registered domestic partner, child, parent, sibling, grandparent, grandchild, and those relationships recognized by law as in-law, half, step, adopted, and foster family members. Employees must notify their Department Head as soon as possible after the death of an immediate family member as to which dates the employee will be on Bereavement Leave.

SCHOOL APPEARANCES INVOLVING SUSPENSION

If an employee who is the parent or guardian of a child facing suspension from school is summoned to the school to discuss the matter, the employee should alert his or her supervisor as soon as possible before leaving work. In agreement with California Labor Code Section 230.7, no discriminatory action will be taken against an employee who takes time off for this purpose.

TIME OFF FOR VOTING

If an employee does not have sufficient time outside of working hours to vote in an official state-sanctioned election, the employee may take off enough working time to vote. Such time off shall be taken at the beginning or the end of the regular working shift, whichever allows for more free time, and the time taken off shall be combined with the voting time available outside of working hours to a maximum of two hours combined. Under these circumstances, an employee will be allowed a maximum of two hours' time off during an election day without loss of pay. When possible, an employee requesting time off to vote shall give the supervisor at least two days' notice.

VICTIMS OF CRIME LEAVE

An employee who is themselves a victim or who is the family member of a victim of certain serious crimes may take time off from work to attend judicial proceedings related to the crime or to attend proceedings involving rights of the victim.

A family member of a crime victim may be eligible to take this leave if he/she is the crime victim's spouse, parent, child or sibling. Other family members may also be covered depending on the purpose of the leave.

The absence from work must be in order to attend judicial proceedings or proceedings involving rights of the victim. You must provide reasonable advance notice of your need for leave, and documentation related to the proceeding may be required. If advance notice is not possible, you must provide appropriate documentation within a reasonable time after the absence. Any absence from work to attend judicial proceedings or proceedings involving victim rights will be unpaid, unless you choose to take paid time off.

For more information regarding this leave (including whether you are covered, when and what type of documentation is required, and which type of paid time off can be used), please contact the City Clerk.

DOMESTIC VIOLENCE, SEXUAL ASSAULT OR STALKING LEAVE AND ACCOMMODATION

Employees who are victims of domestic violence, sexual assault and stalking are eligible for unpaid leave. Although the leave is generally unpaid, employees can use their paid sick time under California's Healthy Workplaces, Healthy Families Act for the purposes described below.

You may request leave if you are involved in a judicial action, such as obtaining restraining orders, or appearing in court to obtain relief to ensure your health, safety or welfare, or that of your child. Please provide reasonable advance notice of the need for leave unless advance notice is not feasible. Contact your supervisor.

Employees who are victims of domestic violence, sexual assault or stalking and need a reasonable accommodation for their safety at work should contact the City Manager or the City Clerk and discuss the need for an accommodation. If you are requesting such a reasonable accommodation, you will need to submit a written statement signed by you, or by an individual acting on your behalf, certifying that the accommodation is for the purpose of your safety at work.

For reasonable accommodation requests, the City will also require certification demonstrating that you are the victim of domestic violence, sexual assault or stalking. Any of the forms of certification described above for leave purposes will suffice. The City may request recertification every six months from the date of the previous certification. Notify the City if an approved accommodation is no longer needed.

The City will engage in an interactive process with the employee to identify possible accommodations, if any, that are effective and will make reasonable accommodations unless an undue hardship will result.

The City will, to the extent allowed by law, maintain the confidentiality of an employee requesting leave or accommodation under these provisions.

VOLUNTEER CIVIL SERVICE PERSONNEL

No employee shall be disciplined for taking time off to perform emergency duty as a volunteer firefighter, peace officer, or emergency rescue personnel. Employees who perform emergency duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel may also take up to a total of fourteen days unpaid leave time per calendar year to engage in required fire, law enforcement or emergency rescue training. Please alert your supervisor that you may have to take time off for emergency duty or emergency duty training. When taking time off for emergency duty, please alert your supervisor before doing so when possible.

CONFIRMATION OF HARASSMENT POLICY

I have received my copy of the City's Harassment, Discrimination and Retaliation Prevention policy. I understand and agree that it is my responsibility to read and familiarize myself with this policy.

I understand that the City is committed to providing a work environment that is free from harassment, discrimination and retaliation. My signature certifies that I understand that I must conform to and abide by the rules and requirements described in this policy.

Employee's Signature _____

Employee's Printed Name _____

Date _____

CONFIRMATION OF RECEIPT

I have received my copy of the City of Colfax Employee Handbook. I understand and agree that it is my responsibility to read and familiarize myself with the policies and procedures contained in the handbook. I will follow the rules and policies of the City of Colfax to the best of my ability.

Employee's Signature_____

Employee's Printed Name _____

Date _____