



Item No. 11 Town of Atherton

CITY COUNCIL STAFF REPORT – CONSENT AGENDA

**TO: HONORABLE MAYOR AND CITY COUNCIL
GEORGE RODERICKS, CITY MANAGER**

FROM: THERESA DELLASANTA, ASSISTANT TO THE CITY MANAGER

DATE: SEPTEMBER 17, 2014

SUBJECT: HUMAN RESOURCE POLICIES AND PROCEDURES MANUAL

RECOMMENDATION

Receive and Adopt the Town's Human Resources Policies and Procedures Manual.

BACKGROUND

In April 2011 the Town approved an agreement with Koff & Associates (K&A) for the development of a Human Resources Policies and Procedures Manual. The project was put on hold while the Town underwent major recruitment efforts for several key positions and completed ongoing negotiations. When those items were completed, staff worked with Koff & Associates to develop the legal framework of the Manual and then finalized the manual through the meet and confer process. The Manual is now complete and incorporates all current policies and procedures compliant with State and Federal laws.

A Human Resources manual is essential for any organization to ensure legal compliance, and consistent and proper administration of the Town's human resource policies. The Manual incorporates the Town's current Atherton Police Officers' Association Memorandum of Understanding, the Unrepresented Employees Salary and Benefits Resolution, and via cross-reference, the Police Department Lexipol Guidelines. Lexipol provides state-specific policies and procedures for Police Operations (essentially standard operating procedures addressing everything from weapons qualification to report writing). It includes more than 150 policies based on federal and state statutes, case law and law enforcement best practices and is used in public safety organizations across the nation.

After several rounds of review by Koff & Associates, staff, the City Attorney and the APOA as part of the required meet and confer process, the Manual is complete. The Manual **does not represent** the creation of any new rules, employee benefits, benefit practices, or procedures. The Manual **is** a compilation of current laws, standards, practices, and procedures. To ensure that the encompassed rules and policies are enforceable as part of the Town's human resource process, the Manual should be adopted by the Council.

FISCAL IMPACT

None

ATTACHMENT

Human Resources Manual

Town of Atherton



Human Resources Policies & Procedures

March 2014

Welcome!

This Manual tells you about the Town of Atherton (“the Town”). In these pages we have tried to give specific answers to most of the questions from our employees. You may have other questions that are not answered here. If you have additional questions, do not hesitate to ask them. We are aware of the many different needs employees may have and are eager to help you meet them.

As an employee of the Town, you are an important member of a team effort. We hope that you will find your position with our organization rewarding, challenging, and productive. Because our success depends upon the dedication of our employees, we are highly selective in choosing new members for our team. We look to you to contribute to the success of the Town. At the same time, we are committed to providing all employees with challenge, recognition, and benefits, as we achieve our organizational mission and goals.

Again, welcome to the team! We wish you every success in your work with the Town. Very truly yours,

George Rodericks
City Manager

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SECTIONI:LEGAL

POLICY #101: INTRODUCTION/RIGHT TO REVISE

This Human Resources Policies and Procedures Manual contains the human resources policies, practices, guidelines and procedures that the Town of Atherton (“the Town”) has in effect at the time of publication. All employees shall read, understand, and comply with all provisions of the handbook. It describes many of the responsibilities of employees and outlines the programs developed by the Town to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth while delivering high-quality services and programs to the public.

All previously issued human resources manuals, handbooks and/or policy statements are superseded by this policy manual.

The Town’s Police personnel are also required to adhere to the Police Lexipol manual. However, where there is a discrepancy between the two manuals, this policy and procedure manual will supersede the Lexipol manual based on the discretion of the City Manager.

The policies and practices set out in this manual or in any other personnel document, including benefit plan descriptions, are not intended to imply a contractual relationship, nor are they intended to create a promise or representation of continued employment for any employee.

Notwithstanding the above, if there is a conflict between a policy in this manual and any MOU, the MOU will prevail.

The Town reserves the right to revise, modify, delete, or add to any and all policies, procedures, work rules, or benefits stated in this manual or in any other document except for the policy of at-will employment. Any changes must be in writing and must be signed by the City Manager of the Town or authorized designee and approved by the City Council. Any such written changes to this manual will be generally distributed so that supervisors and employees will be aware of the new policies or procedures. No oral statements or representations can in any way change or alter the provisions of this manual.

Reference to the Town throughout this manual refers to the organization, the Town of Atherton, and its staff. It is intended that wherever reference is made in this manual to decisions/recommendations being made or actions taken by the Town, those decisions/recommendations are being made by the City Manager or authorized designee.

This manual will specifically reference the Town’s governing City Council when decisions/recommendations are referred to that level.

POLICY #102: EQUAL EMPLOYMENT OPPORTUNITY

The Town is an equal employment opportunity employer and makes employment decisions on the basis of merit. We want to have the best qualified persons in every position. The Town policy prohibits unlawful discrimination based on race, color, creed, gender (including gender identity and gender expression), religion, marital status, registered domestic partnership status, age, national origin or ancestry, physical or mental disability, veteran status, sexual orientation, medical condition including cancer and genetic characteristics, genetic information, or any other legally recognized status. It also prohibits unlawful discrimination 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. All such discrimination is unlawful. The Town considers the attainment of equal employment a major Town objective and is committed to providing equal employment opportunities to all qualified persons.

The Town will not discriminate with respect to recruitment, hiring, training, promotion, and other terms and conditions of employment. All other personnel actions or programs such as compensation, benefits, transfers, layoffs, recalls, Town-sponsored training, education, tuition assistance, social and recreational programs will be administered in a non-discriminatory manner. All employment decisions will be consistent with the principle of equal employment opportunity (EEO).

An employee, who feels that he/she is being illegally discriminated against, should file a complaint immediately. Please see Complaint Resolution Procedure (Policy #216) for more details.

POLICY #103: AMERICANS WITH DISABILITIES

It is the Town's policy and practice to comply with the Americans with Disabilities Act and ensure equal employment opportunity for all qualified persons with disabilities. The Town is committed to ensuring non-discrimination in all terms, conditions and privileges of employment. The Town 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 Town hardship would result.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation as well as equal treatment and reasonable accommodation in job assignments. Employment decisions are based upon the essential responsibilities of the position, in accordance with defined criteria, not the disability of the individual.

GUIDELINES

1. An applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact the City Manager or authorized designee and discuss the need for an accommodation.
2. The Town will engage in an interactive process with the applicant or employee to identify possible accommodations, if any, that will help the applicant or employee perform the job. The City Manager or authorized designee will conduct an investigation to identify the barriers that make it difficult for the applicant or employee to have an equal opportunity to perform the job. The applicant or employee will be required to present a certification from a healthcare provider as to what job functions he/she can perform, for which job functions he/she needs an accommodation, and what accommodation is recommended. The Town will analyze all information and identify possible accommodations, if any, that will help eliminate the limitation. If the accommodation is reasonable and will not impose an undue hardship, the Town will make the accommodation.

An employee who feels that he/she is being illegally discriminated against, should file a complaint immediately. Please see Complaint Resolution Procedure (Policy #216) for more details.

POLICY #104: UNLAWFUL HARASSMENT

The Town is committed to providing a work environment that is free of unlawful harassment. The Town's policy prohibits sexual harassment, gender harassment (including harassment based on gender identity and gender expression), and harassment based on pregnancy, childbirth, or related medical conditions, race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, genetic information, marital status, registered domestic partnership status, age, sexual orientation, or any other basis protected by Federal, State, or local law, ordinance, or regulation. All such harassment is unlawful. This policy also prohibits unlawful harassment based on the perception that anyone has any of the above-mentioned characteristics, or is associated with a person who has or is perceived as having any of those characteristics. It is intended that any change or modification to existing law will become part of the Town's policy.

In keeping with its anti-harassment principle, the Town strictly prohibits an employee from engaging in any such harassment, including but not limited to ethnic slurs, racial epithets, derogatory jokes, physical intimidation, threats of violence or bodily harm, and sexual harassment.

The Town's anti-harassment policy applies to all persons involved in the operation of the Town, including City Council Members/Committee and Commission members and consultants working on Town-related projects, and prohibits unlawful harassment by any employee of the Town, including supervisors and coworkers. This policy also applies to and is meant to protect Town employees from harassment by non-employees, vendors, and other third parties who may come in contact with employees in the course of their work for the Town.

DEFINITION

Prohibited unlawful harassment because of sex (sexual harassment, gender harassment (including harassment based on gender identity and gender expression), and harassment due to pregnancy, childbirth, or related medical condition), race, religion, color, national origin or ancestry, physical or mental disability, medical condition, gender information, marital status, registered domestic partnership status, age, sexual orientation, or any other protected basis protected by Federal, State, or local law, ordinance, or regulation includes, but is not limited to, the following behavior:

1. Verbal conduct such as derogatory comments; epithets; slurs; sexual innuendos; jokes or comments that make another employee uncomfortable; slurs or unwanted sexual advances, invitations, or comments.
2. Visual conduct such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings, or gestures.

3. Physical conduct such as assault, unwanted touching, blocking normal movement, or interfering with work because of sex, race, or any other protected basis.
4. Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and offers of employment benefits in return for sexual favors.
5. Retaliation for having reported or threatened to report harassment.

RESPONSIBILITY

If an employee believes that he/she has been unlawfully harassed, he/she should provide a complaint to the employee's own, or any other Town supervisor, or the City Manager or authorized designee, as soon as possible after the incident. The employee is encouraged to submit the complaint in writing but this is not a requirement. The employee's complaint should include details of the incident or incidents, names of individuals involved, and names of any witnesses. Supervisors will refer all harassment complaints to the City Manager or authorized designee. The City Manager or authorized designee will immediately undertake an effective, thorough, and objective investigation of the harassment allegations. Confidentiality will be maintained to the fullest extent possible under the circumstances.

If the Town determines that unlawful harassment has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined by the Town to be responsible for unlawful harassment will be subject to appropriate disciplinary action, up to and including termination of employment. The Town will advise all parties concerned of the results of the investigation. The Town will take appropriate action to remedy any loss to the employee resulting from harassment. The Town will not retaliate against the employee for filing a complaint and will not tolerate or permit retaliation by management, employees, or coworkers. Disciplinary action shall also be taken against any supervisor or manager who condones or ignores unlawful harassment or otherwise fails to take appropriate action to enforce this unlawful harassment policy.

The Town encourages all employees to report any incidents of harassment forbidden by this policy immediately so that complaints can be quickly and fairly resolved. The employee should also be aware that the Federal Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing (DFEH) might investigate and prosecute complaints of prohibited harassment in employment. If an employee thinks that he/she has been harassed or retaliated against for resisting or complaining, the employee may file a complaint with the appropriate agency. More information can be found on the DFEH's website at www.dfeh.ca.gov. The nearest office is located in San Jose at:

2570 N. First Street
Suite 480
San Jose, CA 95131

Tel.: (408) 325-0344

COMPLAINT PROCEDURE

An employee who believes that he/she has been unlawfully harassed should report the incident immediately and according to the following procedure so that the complaint can be resolved quickly and fairly. Also, please see Complaint Resolution Procedure (Policy #216) for more details.

Step 1: An employee who believes that he/she has been subject to any form of unlawful discrimination or harassment, whenever possible, should confront the harasser or the person discriminating against him/her, and tell the person to stop. If the employee does not feel comfortable doing this, he/she shall follow step 2 immediately.

Step 2: If an acceptable solution cannot be reached in Step 1, the employee shall submit a complaint to the immediate supervisor and a Human Resources representative. The complaint should also be submitted in writing but this is not required. The immediate supervisor will try to address and resolve the problem with the assistance of Human Resources. The complaint shall be specific and shall include date(s) and time(s) of any incident(s), if applicable, details on the incident(s), names of individuals involved, and the names of any witnesses, if applicable.

The supervisor (or City Manager or authorized designee, depending on the severity of the complaint or any alleged offense) will immediately undertake an effective, thorough, and objective investigation and attempt to resolve the situation. If it is determined that unlawful discrimination or harassment has occurred, the supervisor will refer the complaint to the City Manager or authorized designee and effective remedial action will be taken commensurate with the severity of the offense. Appropriate action will also be taken to deter any future discrimination. Whatever action is taken will be made known to the affected employee and the Town will take appropriate action to remedy any loss to the employee as a result of the discrimination or harassment.

Step 3: If the problem cannot be resolved in Step 2, the employee does not agree with his/her immediate supervisor's decision, or if the complaint is against the immediate supervisor, he/she can file a formal complaint to be reviewed by a panel of two or more department managers. Within a reasonable timeframe, the panel of managers will investigate the complaint, confer with persons affected to the extent deemed necessary, and meet with the employee in an attempt to resolve the complaint and make a decision in writing. The decision will be given to the employee.

Step 4: If the employee is dissatisfied with the decision by the panel of department managers, he/she may request a review by the City Manager or authorized designee. The City Manager or authorized designee shall review the complaint and render a written decision within a reasonable period of time.

The employee may appeal such action to the City Manager or authorized designee, within five (5) days after written notice of the City Manager or authorized designee's decision. Failure to request an appeal within five (5) days terminates the right to a hearing and the decision will be final.

Within five (5) days of the Town's receipt of the notice of appeal, or as soon as is reasonably possible, a hearing will be held to examine all the facts and available evidence regarding the City Manager or authorized designee's decision, and to question witnesses. At the end of the hearing or within three (3) days of such hearing, the City Manager or authorized designee will determine whether the decision should be upheld or revoked.

Step 5: If the employee is dissatisfied with the City Manager's or authorized designee's decision, the City Manager or authorized designee will present his/her recommendation to the City Council, which will review the findings and make a final decision. The employee will have the right to appear before the City Council and respond to the recommendation of the City Manager or authorized designee.

At any time throughout the complaint process, the employee may withdraw his/her complaint, if he or she so chooses. The Town will not encourage, discourage, or solicit the withdrawal of a complaint.

The Town will not retaliate against the employee for filing a complaint and will not knowingly permit retaliation by management employees or coworkers.

If an employee has any questions regarding the Town's policy against unlawful discrimination or harassment or the procedure for filing complaints, he/she shall contact his/her supervisor.

POLICY #105: ERGONOMICS

Ergonomics is the scientific study of people and their work. The goal of this field is to minimize workplace injuries and illnesses through workplace design.

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

The Town 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 an employee feels that he/she is suffering from a work-related RMI or other injury or ailment, he/she must immediately report in writing such injury or ailment to his/her supervisor or the City Manager or authorized designee.

POLICY #106: EMPLOYMENT ELIGIBILITY

In accordance with The Immigration and Control Act of 1986, the Town hires only those individuals who are lawfully authorized to work in the United States.

Each new employee must provide documentation to Human Resources to establish employment eligibility and identification. A completed Employment Eligibility Verification Form I-9 must be furnished to the Town at date of hire. Providing false documentation or making false statements on the verification form will be grounds for immediate termination.

POLICY #107: EMPLOYMENT AT WILL

All Town personnel are employed on an at-will basis, unless otherwise specified in a Memorandum of Understanding or other employment contract. Employment at-will means that the employment relationship may be terminated, with or without cause and with or without advance notice at any time by the employee or the Town.

Nothing in this manual shall limit the right to terminate at-will employment. No manager, supervisor, or associate of the Town has any authority to enter into an agreement for employment for any specified period of time or to make an agreement for employment on other than at-will terms. Only the City Council of the Town has the authority to make any such agreement, which is binding only if it is in writing and signed by the City Council.

POLICY #108: CODE OF ETHICS AND VALUES

It is the policy of the Town to conduct business in accordance with the letter and the spirit of the law and in conformity with ethical standards and values.

Accordingly, employees must not take any action on behalf of the Town that violates any laws or rules, regulations, ethical standards, or any conduct that would bring discredit to the Town. Employees must adhere to high moral and ethical standards in the conduct of business. Employees shall not engage in activity that results in a conflict of interest with the Town or that reflects unfavorably on its integrity. Employees violating these standards are subject to disciplinary action, up to and including termination of employment.

Good government requires that decision-makers and policy makers be independent, impartial, and accountable to the people they serve. This Manual incorporates a Code of Ethics and Values designed to promote and maintain the highest standards of personal and professional conduct in the pursuit of good government. Town employees are required to subscribe to this Code, understand how it applies to their specific responsibilities, and practice its core values in their work. All elected and appointed officials, volunteers and others who participate in the Town's government are encouraged to do the same.

Because we seek public confidence in the Town's services and public trust of its decision-makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this Code.

CODE OF ETHICS AND VALUES

A. As a Representative of the Town of Atherton, I will be *ethical*. In practice, this value means:

- I am trustworthy, acting with the utmost integrity and moral courage.
- I am truthful, do what I say I will do, and am dependable.
- I make impartial decisions, free of bribes, unlawful gifts, narrow political interests, and financial and other personal interests that impair my independence of judgment or action.
- I am fair, distributing benefits and burdens according to consistent and equitable criteria.
- I extend equal opportunities and due process to all parties in matters under consideration. If I engage in unilateral meetings and discussions, I do so without making voting decisions.
- I show respect for persons, confidences, and information designated as "confidential."
- I use my title(s) only when conducting official Town business, for information purposes, or as an indication of background and expertise, carefully considering whether I am exceeding or appearing to exceed my authority.

B. As a Representative of the Town of Atherton, I will be *professional*. In practice, this value means:

- I apply my knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent, and productive manner.
- I approach my job and work-related relationships with a positive attitude.
- I keep my professional knowledge and skills current and growing.

C. As a Representative of the Town of Atherton, I will be *service-oriented*. In practice, this value means:

- I provide friendly, receptive, courteous service to everyone.
- I am attuned to, and care about, the needs and issues of citizens, public officials, and co-workers.
- In my interactions with constituents, I am interested, engaged, and responsive.

D. As a Representative of the Town of Atherton, I will be *fiscally responsible*. In practice, this value means:

- I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the Town, especially its financial stability.
- I demonstrate concern for the proper use of Town assets (e.g., personnel, time, property, equipment, funds) and follow established procedures.
- I make good financial decisions that seek to preserve programs and services for Town residents.

E. As a Representative of the Town of Atherton, I will be *organized*. In practice, this value means:

- I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short and long-term goals.
- I follow through in a responsible way, keeping others informed, and responding in a timely fashion.
- I am respectful of established Town processes and guidelines.

F. As a Representative of the Town of Atherton, I will be *communicative*. In practice, this value means:

- I convey the Town's care for and commitment to its citizens.
- I communicate in various ways that I am approachable, open-minded and willing to participate in dialog.
- I engage in effective two-way communication, by listening carefully, asking questions, and determining an appropriate response that adds value to conversation

G. As a Representative of the Town of Atherton, I will be *collaborative*. In practice, this value means:

- I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding.
- I work towards consensus building and gain value from diverse opinions.
- I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team.
- I consider the broader regional and statewide implications of the Town's decisions and issues.

H. As a Representative of the Town of Atherton, I will be *progressive*. In practice, this value means:

- I exhibit a proactive, innovative approach to setting goals and conducting the Town's business.
- I display a style that maintains consistent standards, but is also sensitive to the need for compromise, "thinking outside the box," and improving existing paradigms when necessary.
- I promote intelligent and thoughtful innovation in order to forward the Town's policy agenda and Town services.

SECTION II: EMPLOYMENT PRACTICES

POLICY #201: RECRUITMENT AND SELECTION

The Town follows the following procedure when filling open positions. Due to the higher level of standards required for Police Department personnel further guidelines are set forth in the Police Department's Lexipol Manual Policy #1000.

GUIDELINES

1. Open Position

When a position at the Town becomes vacant, the City Manager or authorized designee decides at his/her sole discretion whether and how to fill the position, who is responsible for conducting the recruitment effort, and where/how the position is advertised. New positions can only be added by recommendation by the City Manager or authorized designee and approval by the City Council.

It is the intent to post and advertise vacant positions to the general public. Qualified Town employees may compete in the process. However, the Town's City Manager or authorized designee retains the discretion to advertise for vacant positions internally only and/or to appoint, promote, or reclassify from within without posting or advertising based on current employees' qualifications and job experience.

Notice of openings that present promotional opportunities for employees through the competitive recruitment process will be posted in appropriate work locations and on the Town's website for at least five (5) workdays.

2. Job Announcement and Application Materials

All job advertisements and postings shall clearly state when applications must be submitted. The City Manager or authorized designee retains the discretion to decide who will advertise the job, what is communicated in job postings and flyers, where they are posted, and for how long.

The Town relies upon the accuracy of information contained in the application for employment as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data shall result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

3. Application Review

The City Manager or authorized designee will review all of the application packages and determine which applicants are most qualified and shall be further considered for employment. After such review and selection, all applicants will be notified of their status.

4. Examination/Interview Process

A candidate may be required to participate in a variety of examination processes, which may include an interview and/or written examination, physical ability or skills test, or any combination thereof.

5. Reference Checking

All job applicants shall provide information on previous employment and other references as required. Candidates shall also sign a release form to permit the Town to obtain other appropriate background reference information.

The City Manager or authorized designee will be responsible for checking and verifying all reference sources. The information obtained during the background and reference review will not be discussed with current or prospective employees who do not have a reasonable business need to know. An offer of employment will not be made until the reference checking is completed.

6. Criminal Background and Live Scan

Under Federal and State law, public agencies may enact policies that disqualify applicants with certain criminal convictions from employment positions if the conviction is relevant to the position in question.

The Town shall not consider for employment a person or volunteer who has been convicted of a felony or misdemeanor involving moral turpitude. Such conviction shall be cause for termination of any employee or volunteer, if the felony or misdemeanor is for a crime specified below, or, if the crime is not listed below, the Town determines that the crime is substantially similar in nature to those specified below. The conviction may be disregarded if it is found and determined by the appointing authority that mitigating circumstances exist.

The Town may obtain criminal background information on all prospective employees and volunteers, all current employees and volunteers who work with or supervise minors, and all employees formally considered for promotion.

With respect to all prospective employees, current employees, and volunteers, a conviction of any of the following Penal Code sections, shall be grounds for disqualification or termination:

Section 68:	Asking for or receiving bribes
Section 72:	Presentation of fraudulent claims
Section 73 and 74:	Bribes for appointment to office
Section 187 and 189:	Murder
Section 209:	Kidnapping for ransom, extortion, or robbery
Section 211:	Robbery – taking personal property in possession of someone by force or fear

Section 245:	Assault with a deadly weapon
Section 261:	Rape
Section 451:	Burglary
Section 484:	Theft
Section 490.5:	Shoplifting
Section 503:	Embezzlement – fraudulent appropriation of property by a person to whom it has been entrusted
Section 518:	Extortion – obtaining property by a wrongful use of force or fear under a color of official right

With respect to all applicants for and current employees and volunteers in positions that work with or supervise minors, in addition to the above, a conviction of any of the following Penal Code sections shall be grounds for disqualification or termination:

- Violations or attempted violations of Penal Code sections 220, 261.5, 262, 273a, 273d, or 273.5, 288, or any sex offense listed in 290.
- Any crime described in California Uniform Controlled Substances Act (Division 10 [commencing with Section 11000] of the California Department Health and Safety Code).
- Any felony or misdemeanor conviction within ten (10) years of the Town’s request for background information for violation or attempted violation of Chapter 3 of Title 8 of the Penal Code (commencing with Section 207), Sections 211 to 215, wherein it is charged and proved that the defendant personally used a deadly or dangerous weapon, as provided in subdivision (b) of Section 12022, in the commission of that offense, Section 217.1, Chapter 8 of Title 8 of the Penal Code (commencing with Section 236), Chapter 9 (commencing with Section 240), and for violation of any of the offenses specified in subdivision (c) of Section 667.5.
- Any felony or misdemeanor conviction under Penal Code Section 311, et seq., photographic use of children relative to sexual conduct.

With respect to all applicants or current employees and volunteers in positions that work with public funds or public records, in addition to the above, a conviction of any of the following Penal Code sections shall be grounds for disqualification or termination:

- Section 115, 115.3: Use of a false or forged public record or alteration of a certified copy of a public record.
- Section 424: Embezzlement and falsification of accounts.
- Title 13, Chapter 4: Any violation of forgery and counterfeiting.

It is the responsibility of an applicant, employee, or volunteer to report any conviction or arrest pending final adjudication to the Town. The information shall be included on all employment applications. Arrest pending final adjudication means an arrest for which the employee or applicant is out on bail or on his or her own recognizance pending trial, pursuant to Labor Code 432.7(a). If any convictions or arrests pending final adjudication occur while the employee or volunteer is working for the Town, the employee or volunteer shall report that information to

his/her supervisor who shall forward the information to the Department Head and City Manager or authorized designee. Alternatively, the employee or volunteer may report the information directly to the City Manager or authorized designee.

State summary criminal history information is confidential and shall not be disclosed, except to those individuals designated to make employment decisions. Persons with access to such information shall sign a form acknowledging that the information is confidential and that civil and criminal penalties, as well as dismissal from employment, may result if the confidential information is misused.

7. Offer

Only the City Manager or authorized designee is authorized to make a written offer to any prospective employee.

8. Hire Date

The employee's first day of work will be considered the employee's anniversary date for purposes of seniority and benefits determination.

An employee's anniversary date shall change if the employee receives a promotion or is granted a leave of absence that requires bridging two periods of uninterrupted employment.

The City Manager or authorized designee will provide a confirming written letter of offer.

9. New Employee Registry (NER)

All employers are required to report newly hired employees to the New Employee Registry (NER). This program is designed to help law enforcement identify and collect child support payments from delinquent parents. The Town will submit form DE 34 to the Employment Development Department within twenty (20) days of hiring, listing the new employee's full name, address, Social Security number, home address, and starting date of employment.

POLICY #202: EMPLOYMENT STATUS

The Town employs people in one of five (5) different kinds of status: Per Diem, Temporary, Probationary, Part-Time Regular, and Regular.

GUIDELINES

1. Employment Categories

A. Per Diem Employee

Employees in this category are employed on an intermittent basis. Per diem employees are not eligible to participate in any benefits or leaves. Per diem employee status is not considered for seniority or benefit longevity purposes if the employee is subsequently hired as a regular full-time or part-time employee. (See Policy #301, *Health and Welfare*, for additional information.)

B. Temporary Employee

Employees in this category are those holding jobs of limited or specified duration arising out of special projects, a position vacancy pending appointment, the absence of a position incumbent, abnormal workloads, emergencies, or other reasons established by the Town. Temporary employees who are employed for a term of less than one year are not eligible to participate in any benefits other than those that are mandated by State and/or Federal laws and regulations. Temporary employee status is not considered for seniority or benefit longevity purposes if the employee is subsequently hired as a regular full-time or part-time employee. (See Policy #301, *Health and Welfare Benefits*, for additional information.)

C. Probationary Employee

The probationary period is an intrinsic part and extension of the employee selection process during which the employee will be considered in training and under careful observation and evaluation by supervisory personnel. Generally, this period will be utilized to train the employee for his/her job responsibilities and to determine whether there is a fit between the Town's business needs and the qualifications of the employee or failure to meet the expected performance standards. During the probationary period, employment may be terminated with or without cause and with or without notice by either the Town or the employee.

- i. With the exception of temporary employees and employees in the Police Officers Association, all newly appointed employees shall serve a probationary period of twelve (12) months. The probationary period for Police Officers Association employees is eighteen (18) months upon employment and twelve (12) months

after promotion. This period can, with notice, be extended by mutual agreement of the employee and the Department Head and the approval of the City Manager or authorized designee.

- ii. During the probationary period, the City Manager or authorized designee may dismiss an employee for any reason, with or without cause and with or without notice, at the City Manager's or authorized designee's sole discretion.
- iii. A new employee terminated during the probationary period needs to be told only that the probationary period was not satisfactorily completed and the employee is terminated.
- iv. Probationary employees will receive a performance evaluation after the first six (6) months of employment. At the time of the six-month appraisal, a work plan establishing employee goals and objectives is to be developed. The evaluation of these goals and objectives will occur at the time of the annual evaluation.
- v. Employees promoted, transferred, laterally reassigned, or demoted to a new position will serve a probationary period of twelve (12) months before obtaining regular status in the position to which the employee was assigned.

Probationary employees will accrue benefits, such as vacation and sick leave at the designated accrual rate.

D. Regular Part-Time Employee

Employees in this category are those who complete a satisfactory probationary period and regularly work twenty (20) hours or more but less than forty (40) hours per week on a continuous basis. Employees in this category are required to participate in the Town's Public Employees Retirement System (PERS) program, and may participate in some other benefit programs on a pro-rated basis.

E. Regular Full-Time Employee

Employees in this category are those who regularly work forty (40) hours per week on a continuous scheduled basis following satisfactory completion of a probationary period. Employees in this category are eligible to participate in all benefit programs offered by the Town, subject to the terms, conditions, and limitations of each benefit program. Employees in this category are required to participate in the Town's Public Employees Retirement System (PERS) program.

2. Employment Classifications

All Town positions are classified as either exempt or non-exempt according to Federal and State legal guidelines, specifically the Fair Labor Standards Act.

A. Exempt Positions

If a position is classified as exempt as defined by applicable Federal and State laws, such as executive, administrative, and professional exemption, no overtime compensation will be paid to employees occupying that position.

B. Non-exempt Positions

Employees designated as non-exempt, all other employees, are paid on an hourly basis with overtime compensation paid for more than 40 hours in one week. Non-exempt employees may also choose to take compensatory time off in lieu of overtime pay.

POLICY #203: CHANGES IN EMPLOYMENT STATUS

Changes in employment status may occur based on the employee's request/application for such and/or management's discretion to make a change. All employee rights and privileges based on any Memorandum of Understanding will be honored and provisions in the MOU will override any provision in this policy should there be a conflict.

GUIDELINES

Opportunities for changes in status are available to employees for application at any time regardless of known position vacancies.

1. Promotion

- A. Notice of openings that present promotional opportunities for employees through the competitive recruitment process will be posted in appropriate work locations and on the Town's website for at least five (5) workdays.
- B. When an employee is promoted, he or she will be placed at a level within the new range to be determined by the City Manager or authorized designee. The employee serves a new probationary period and the anniversary date will change to coincide with the effective date of promotion.

2. Reclassification

- A. When an occupied position is reclassified upward based on City Council action, the employee's anniversary and salary review date will be changed to coincide with the effective date of the reclassification. A salary increase may be considered. No testing and no probationary period will be required.
- B. When an occupied position is reclassified downward, the employee's salary will be placed at a pay within the new pay range which does not reduce pay or will remain until the new range exceeds the employee's pay rate.
 - i. When an occupied position is reclassified downward, and the employee's pay rate is within the range for the new classification, the employee's salary will remain unchanged until the next performance review period at which time the employee's salary may be increased based on the employee's performance evaluation at the sole discretion of the City Manager or authorized designee.
 - ii. When an occupied position is reclassified downward, and the employee's pay rate exceeds the top pay of the range for the new classification, the employee's salary will remain unchanged and will be "frozen" until the new range equals or exceeds the employee's pay rate.

- iii. Downward reclassification of a position does not change the anniversary dates of the employee and no new probationary period will be required.

3. Salary Range Adjustments

When an across-the-board salary range adjustment occurs (e.g., due to a cost-of-living adjustment or a labor market salary survey), each employee will be placed on the same place within the new range as that employee occupied within the old range. Subsequent pay increases will be based on the employee's performance evaluation. When an existing classification is allocated to a new range, the employee will be placed on the same place within the new range as that employee occupied within the old range.

4. Changes in Status Effective Dates

In the event an employee is promoted, demoted, reclassified, transferred, laterally reassigned, or receives a salary adjustment, said action will be made effective the start of the pay period following the action taken.

POLICY #204: JOB CLASSIFICATION ADMINISTRATION

The goal of the Town's classification specifications is to develop a system that supports employee development, provides opportunities for career advancement, and creates an understanding of the roles, responsibilities, and relationships of each position within the Town.

GUIDELINES

Classification and compensation practices are reviewed periodically to ensure internal and external comparability and competitiveness of pay practices. When a new classification is created or when a position's duties, functions, and/or responsibilities change significantly, a job analysis or classification reevaluation is conducted. Positions are classified/reclassified and assigned/reassigned to a salary grade on the basis of the classification review.

1. Position Classification

- A. The regular classification of each position shall be consistent with the duties performed and the position classification title approved by the Town for inclusion in the Town budget.
- B. The City Manager or authorized designee may temporarily reclassify or add positions to meet unanticipated operational requirements, within approved policy authorization and subject to appropriate funding source availability. All temporary reclassifications as additions to regular staffing will be reported by the City Manager or authorized designee to the Town during proposed budget discussions.

2. Class Specifications

The City Manager or authorized designee shall be responsible for the preparation of a class specification for each classification in the pay plan adopted by the Town. The class specifications shall describe common distinguishing characteristics for each classification such as title, nature of work, supervision received and exercised, examples of essential and related duties, qualifications, requirements, and relationship to other classifications in the career series, if applicable. Class specifications shall be updated, maintained, or may be created on a temporary basis as the City Manager or authorized designee determines necessary to properly describe the work performed and to accomplish the Town's mission, purpose, and services. Class specifications for newly created regular classifications and substantive revisions to current specifications will be approved by the Town for development by the City Manager or authorized designee resulting from the budget approval process.

Class specifications shall be made available to the employees of each classification as a general description of the work performed.

3. Classification Pay Plan

The City Manager or authorized designee is responsible for making changes to the Classification Pay Plan, the classification of individual positions, and the assignment of classes to salary ranges within currently City Council approved salary schedules as may be required to accomplish the Town's mission, purpose, and services, provided that such actions are:

- A. Consistent with policy.
- B. Will not exceed the approved budget for personnel expenses.

The authority of the City Manager or authorized designee includes the addition/deletion of classifications, reclassifications of currently authorized positions, and assignment of new classes to salary grades in accordance with policy provisions and consistent with provisions of the Human Resources Policies and Procedures and any Memorandum of Understanding.

4. "Under-filling" Positions

Positions specifically designated for career advancement in a career advancement series will be budgeted at the full journey-level. The City Manager or authorized designee may elect to use a lower paid classification than authorized in the budget and later raise that position's classification to the budget-authorized level.

POLICY #205: COMPENSATION

The Town's compensation program is designed to attract, retain, motivate, and reward the best possible workforce in an equitable manner. To accomplish this, the Town has established the following plan, provisions, and standards for employee compensation.

GUIDELINES

1. Salary and Wage Plan

The Town's salary program is designed to pay each employee a salary determined by the competitive job market, job responsibilities, and the required level of expertise. The compensation program is designed to reward individual performance.

The City Manager or authorized designee has overall responsibility for recommending, interpreting, and monitoring the salary and performance management systems in accordance with Town policies and procedures and any Memorandum of Understanding.

Supervisors are responsible for participating and providing input in the performance management program. The City Manager or authorized designee discusses performance and salary-related issues with all employees.

2. Salary Structure

Employees shall be paid within the ranges assigned to their classifications in accordance with standard merit increase principles. Any salary advancement within the employee's assigned salary range, as described below, will be determined at the sole discretion of the City Manager or authorized designee. No salary adjustments shall be automatic.

- A. The first step in each range is the minimum rate and shall normally be the hiring rate for the classifications. In cases where it is difficult to secure qualified personnel or a person of unusual qualifications is employed, the City Manager may approve appointment of any step in the range for recruitment purposes.
- B. Advancement to the second step shall be at the completion of twelve months (12) after hire date or date of entry into the job classification, provided the employee has received a satisfactory performance evaluation. Subsequent steps shall be at the completion of twelve (12) months of satisfactory service at each preceding step, as reflected by the annual performance evaluation.

Upon completion of the performance review form, employees eligible for an increase shall receive the regular step increase effective the start of the pay period in which the annual performance review date falls. Employees receiving a "Does Not Meet" rating will not receive an increase.

The salary structure is based on comparable positions at other public sector agencies, according to the skills, responsibilities, and qualifications that the position requires, rather than individual job performance or qualifications of the incumbent in that position. Each position is then assigned an appropriate salary range.

Periodically, prior to the City Council's review and adoption of the salary structure, the City Manager or authorized designee will review the compensation plan to evaluate current market value and labor market inflation. If appropriate, the City Manager or authorized designee will recommend that ranges be adjusted to reflect market changes.

3. Performance Review

Supervisors are responsible for reviewing each employee's performance during the annual performance evaluation period for all employees. Based upon the results of the performance review, the City Manager or authorized designee will make salary adjustments, within the approved salary ranges and the adopted budget for the following fiscal year.

Accurate performance reviews are particularly important and will be considered for potential salary adjustments at the sole discretion of the City Manager or authorized designee.

4. Timing of Salary Increases

Employees' salaries will be reviewed annually and the employee's performance evaluation will be taken into consideration. Increases will be considered at the sole discretion of the City Manager or authorized designee and depend on the employee's overall performance evaluation score and the Town's financial resources at the time. In the case of a promotion occurring during the year, any potential salary increases will be pro-rated accordingly.

If the employee has separated from the Town's employment by the time a salary increase is granted, no retroactive compensation will be provided to the individual.

5. Promotions

An employee who is promoted to a higher classification within the established compensation plan may receive a pro-rated salary increase that reflects the employee's performance and experience. Whether or not the employee should have a salary increase is determined by the City Manager or authorized designee upon job knowledge and abilities and others performing at a similar level within the same position class, if applicable.

6. Pay for Temporary or Interim Appointment to a Higher Classification

An employee who is temporarily appointed and performs the work of a position in a higher classification temporarily vacated by its incumbent either covered by or outside of employees covered by this resolution for more than five (5) consecutive workdays shall be paid five percent (5%) above the regular rate he or she received in his or her regular lower classification for such

time as working out of class. However, if the position in the higher classification is vacant (has no incumbent) and the employee is given an interim appointment to such position pending the permanent filling of such position, he or she shall be paid five percent (5%) above the regular rate he or she received in his or her regular lower classification, or the rate of the first step of the range assigned to the higher classification, whichever is greater for the period of time working in that position. In no event shall such pay exceed the maximum of the range of the classification in which the employee is temporarily assigned. Payment shall commence with the first (1st) workday of the temporary or interim assignment and shall continue, including holidays, during the period of temporary or interim assignment. Such appointment shall be in writing by the Department Head and approved by the City Manager or his designated representative; however, any appointment to a temporary Department Head classification shall be approved by the City Manager. Only the City Council may authorize a temporary appointment to the position of City Manager.

POLICY #206: PERFORMANCE MANAGEMENT

In the event a conflict exists between this policy and Lexipol Policy #1005, Lexipol will prevail in governance of Police Department personnel.

POLICY

The performance evaluation process at the Town is designed to motivate, recognize, and reward employees' efforts and achievements. The Town strives to create a work environment in which employees are recognized and rewarded for their contributions and where employees understand, contribute and help meet the Town's overall goals.

The Town's performance evaluation process is designed so that each employee will be evaluated formally at least once during the year.

GUIDELINES

1. Feedback

Supervisors are encouraged to give feedback throughout the year regarding an employee's success in achieving job expectations and job requirements. Employees need to know if they are completing performance objectives satisfactorily. Regular feedback also enables supervisors to determine if performance objectives require adjusting due to changes in Town or job priorities. Documentation can be informal, such as maintaining supervisor's notes in an employee work file for each employee with notes documenting dates and times of meetings with employees and what was discussed. The supervisor may also keep electronic and/or email files with notes regarding employee feedback throughout the year.

New employees, or employees who are not performing as well as expected, should receive more frequent feedback to provide additional guidance. Disciplinary action may be needed for an employee who is not performing at a satisfactory level.

2. Performance Objectives

Goal-oriented performance objectives are mutually agreed upon between the supervisor and the employee at the beginning of the evaluation period and documented on the performance evaluation form. It is important that employees understand the supervisor's expectations. Both performance and behavioral goals and objectives shall be established.

3. Types of Review

A. Probationary Period

A probationary period progress evaluation is given to new employees every two (2) months to determine if the individual is appropriately suited for the position to which

they are assigned. Before the end of the probationary period, a determination shall be made regarding retention or termination of the employee.

B. Annual Review

An annual written review is required for each employee. Except as approved by the City Manager or authorized designee, all employees will be evaluated within a two-month time period, i.e., the performance evaluation process will start approximately one month before the employee's anniversary date and will be completed no later than approximately one month after the anniversary date. That timeframe will be established by the City Manager or authorized designee.

The evaluation will include documented information regarding past performance, the success of meeting goals and objectives previously agreed to, and include goals and objectives for the upcoming year. The preparation of a developmental plan is optional. The performance evaluation will cover the entire period of evaluation.

Employees submit their goals and objectives for the upcoming evaluation period to their supervisor before the appraisal meeting. The supervisor will complete the performance evaluation form during this review referencing the employee's job performance and previously agreed to objectives. The City Manager or authorized designee will review the supervisor's completed performance evaluation before it is provided to the employee. The employee will then be provided a draft copy of the completed performance evaluation. If no changes are needed, the review becomes final and supervisor and employee sign off on the evaluation and the next year's goals and objectives.

If needed, the employee will have an opportunity to review the written evaluation about the employee and his/her supervisor will meet again to discuss its contents. If appropriate and agreed to, changes can be made to the draft document.

C. Six Month Review

Six (6) months into the review period, supervisors and employees shall meet and discuss the previously established goals and objectives that were developed at the beginning of the review period. Understanding that circumstances and priorities often change, any needed revisions and updates to the goals and objectives should be made at this time. Employee and supervisor should meet and complete a semi-annual review worksheet.

4. Performance Evaluation Form Processing

After the performance evaluation interview is completed and signed by reviewer/supervisor and department head, a copy of the completed performance evaluation form will be provided to the employee. The employee may submit a written response or rebuttal, which shall be attached to the form for retention in the employee's personnel file. After the supervisor and the employee have signed the form, the form will be submitted for review and signature to the City Manager, Police Chief, or authorized designee. An employee's signature on his/her performance

evaluation only means that he/she acknowledges that he/she has received it but does not necessarily mean that he/she agrees with everything that is contained in the evaluation.

After all signatures are affixed, a copy will be made for the employee and the supervisor and the original will be retained in the employee's personnel file.

POLICY #207: PERSONNEL RECORDS

Personnel files are the property of the Town. They are confidential and the Town will restrict access to and disclosure of personnel files to authorized individuals within the Town who have a legitimate business reason to see such files. Personnel files are located in the Human Resources office and police personnel files are maintained in the Police Department by the custodian of records, and individuals with a legitimate business reason can request access from the City Manager or authorized designee. Employees' medical information and health records will be kept in a separate confidential file in accordance with Health Insurance Portability and Accountability Act (HIPAA) regulations.

GUIDELINES

1. Maintenance of Records

Personnel records are confidential documents maintained in accordance with State and Federal laws and regulations. All personnel evaluations, as well as other forms, letters, and memorandums are to be addressed to or signed by the employee, acknowledging receipt of a copy prior to being placed in the employee's personnel file. If an employee refuses to sign a form or letter, the supervisor will sign as a witness to the fact that the employee has refused to sign, and the document will then be placed in the employee's personnel file.

2. Update

Each employee is responsible for notifying the City Manager or authorized designee within thirty (30) days of changes in name, address, telephone number, driver's license, number of dependents, marital or registered domestic partnership status, beneficiary, education certificates, or any other pertinent information.

3. Access/Confidentiality

Each employee has a right to inspect his/her own personnel file and is entitled to make notes. An employee does not have an absolute right to a copy of the file, except for documents, which the employee has previously signed. Employees may review their own file upon request by scheduling an appointment with the City Manager or authorized designee. Files must be reviewed in the Town office in the presence of a supervisor during normal office hours. Supervisors may review the personnel file of those employees they supervise.

The Town will also disclose personnel files to law enforcement agents if required by law.

4. Employment Reference/Credit Inquiries

The Town is authorized to verify position and employment dates only. No other reference information will be released except for law enforcement personnel and with a signed release. All reference inquiries regarding Town employees will be referred to the City Manager or authorized designee.

POLICY #208: OVERTIME PAY

All Town positions will be classified as either exempt or non-exempt in accordance with the Federal Fair Labor Standards Act (“FLSA,” see “Employment Status”; policy #202). In accordance with FLSA, exempt positions are defined as being primarily administrative, professional, or executive in the performance of the job duties and are not eligible for overtime compensation. Non-exempt employees are eligible to earn overtime compensation and/or compensatory time off at overtime rates.

GUIDELINES

1. Non-Exempt Employees

Overtime will be paid at a rate of one-and-one-half times the employee’s regular rate of pay, or in the form of compensatory time off at a rate of one-and-one-half times the hours for each hour worked. Time spent in either paid or unpaid leave does not count toward overtime, e.g., paid sick, vacation, holiday, disability or other paid or unpaid time off. Non-Exempt employees shall be eligible for overtime based on the following:

- A. Sworn employees who are on a 12-hour work schedule shall be eligible for overtime or compensatory time for all hours worked in excess of 84 hours in a 14-day work period.
- B. Sworn employees who work a 10 or 8 hour work schedule shall be eligible for overtime or compensatory time off for all hours worked in excess of 80 hours in a 14-day work period.
- C. Non-sworn employees shall be eligible for overtime or compensatory time off for all hours worked in excess of 40 hours in a 7-day work period.

All overtime must be formally requested by email and approved in advance by the Department Head, City Manager, or authorized designee, unless assigned by the supervisor. If a non-exempt employee foresees overtime, a written request shall be made by the employee to his/her immediate supervisor specifying the reason for the overtime and the anticipated amount of overtime. The Department Head, City Manager, or authorized designee must evaluate alternatives to the overtime prior to approving the request in writing, and prior to the employee’s incurring the requested overtime. If overtime is incurred, the employee must submit written approval for it with his/her timesheet.

An employee may request to earn compensatory overtime in lieu of overtime pay. Requests have to be furnished to the supervisor in writing and the supervisor must approve the request before compensatory time can be earned. A sworn employee may accumulate up to a maximum of eighty-four (84) hours of compensatory time and a non-sworn employee may accumulate up to

one hundred sixty (160) hours worked (or 240 hours earned). An employee who has reached the maximum balance will be paid for overtime until such time that the accrual is below the stated ceiling.

2. Exempt Employees

Exempt employees will not be compensated for hours worked in excess of eight (8) hours per workday or forty (40) hours per workweek. Administrative Leave will be granted in accordance with the MOU or Resolution relating to unrepresented employees, and the scheduling of any time taken will be at the discretion of the City Manager or authorized designee.

POLICY #209: HOURS OF WORK

The City Manager or authorized designee establishes working hours that are consistent with the operating requirements and responsibilities of the Town. Work shifts, days, hours, and periods can be established and modified by the City Manager or authorized designee within the limits prescribed by law, based on operating conditions and requirements of the Town. Employees shall not change their own work schedule without the expressed approval of their supervisor and/or the City Manager or authorized designee.

The supervisor and/or City Manager or authorized designee may require an employee to work overtime which may occur any time before or after the standard workweek including weekends, evenings, and/or holidays. The supervisor will attempt to provide advance notification, if possible.

GUIDELINES

1. Standard Workweek

The standard workweek for unrepresented staff employees occupying full-time positions consists of forty (40) hours in any seven (7) day period. The workweek begins at 12:01 A.M. Sunday and ends 11:59 P.M. the following Saturday. The City Manager shall designate shift schedules for all employees with due regard for the convenience of the public, the laws of the State, and the needs of the Town. The Town reserves the right to consider changes to the standard workweek to facilitate adjustments to Town Hall operating hours.

2. Work Schedules

A regular forty-hour workweek will consist of five (5) days of eight (8) consecutive hours of work within a nine (9) hour period, interrupted by an unpaid lunch break of at least thirty (30) minutes. The lunch hour will be taken during the mid-hours of the workday and scheduled with the approval of the Department Head.

At the request of the Department Head and following review and approval by the City Manager or his/her designee, a flexible work schedule may be implemented for employees covered by this policy manual. The City Manager's evaluation shall give consideration to the needs of the department/employee as well as the desire of the City Council to continue to provide all Town services on a schedule that is conducive to providing uninterrupted service to its residents throughout the week.

An employee who has a flexible schedule will be informed of and acknowledge the start of his or her workweek in writing. This written acknowledgement will be kept in the employee's personnel file. Employees on flexible schedules shall maintain accurate time records reflecting hours worked on behalf of the Town.

Each flexible schedule approved shall be evaluated by the City Manager or his/her designee no later than six months following its implementation. The purpose of the evaluation will be to determine if it is in the best interests of the Town of Atherton to continue the flexible schedule,

or any modifications to the schedule that would be necessitated by the City Manager's evaluation.

3. Work Shifts

All employees will be assigned to a work shift with regular start and stop times, although the actual start and stop times may be different between employees based upon employer/ supervisor and employee needs. The Town office hours are 8 a.m. to 5 p.m. The employee's supervisor will set a designated schedule in writing with specific working start and end times.

4. Police Officers' Association (POA) Employees

Police-Sworn Uniformed Personnel Assigned to Patrol: Sworn uniformed personnel assigned to patrol will be assigned a "12 Plan" work schedule based upon twelve (12) hour workdays and a twenty-eight (28) day work cycle with a "four-on, three-off, three-on, four-off" format within each two week period pursuant to the Department's shift rotation policy.

No officer working a twelve (12) hour shift shall be permitted to work more than sixteen (16) consecutive hours. The only exception to this condition may be extenuating circumstances due to disasters or other emergencies, which require prolonged working hours for personnel.

Each officer must have a minimum of eight (8) hours "off-time" between regularly scheduled shifts. The only exception to this condition may be extenuating circumstances due to disaster or other emergencies, which require prolonged working hours for personnel. Court appearances and the like are not part of the regularly scheduled shift.

This schedule consists of 171 work hours in accordance with 207(k) during each twenty-eight (28) day cycle.

Police-Civilian Dispatchers: Police-civilian dispatchers will be assigned a "12 Plan" work schedule based upon twelve (12) hour workdays and twenty-eight (28) day work cycle with a "four-on, three-off, three-on, four-off" format within each two week period pursuant to the Department's shift rotation policy. Briefing time will be included as part of the twelve (12) hour shift.

No dispatcher working a twelve (12) hours shift shall be permitted to work more than sixteen (16) consecutive hours. The only exception to this condition may be extenuating circumstances due to disasters or other emergencies, which require prolonged working hours for personnel.

Schedule Implementation: Shift changes will occur on the first day of the first pay period of January, May, and September.

Shift scheduling may be altered or changed by the Chief of Police should working conditions, staffing, workload, and/or an emergency so require. Should the Chief of Police desire to effect such a change, the Chief shall give advance written notice to the Police Officers' Association of the proposed change(s), the reason(s) therefore, the proposed revised schedule(s), and shall provide a reasonable opportunity to discuss such change(s) prior to implementation, provided however that the foregoing provisions do not apply to normal shift rotations.

5. Start Time

Employees are required to be at their assigned work locations and ready to begin work at their designated start time.

6. Rest Breaks

For non-exempt employees, two paid rest breaks of fifteen (15) minutes each are scheduled in an eight (8) hour day, one during the first four (4) hours of a shift and one again during the last four (4) hours of a shift. To the extent possible, rest periods shall be taken in the middle of work periods. Unused rest periods shall not be used to adjust reporting or quitting time. Rest breaks not used during each four hours of service are forfeited.

7. Meal Periods

California Law requires that all non-exempt employees take an unpaid meal period of at least thirty (30) minutes no later than after each five (5) hours in any one shift with one exception. Employees may voluntarily agree to waive rights to a meal period, provided they do not work more than six (6) hours in the workday.

A second meal period of at least thirty (30) minutes will be given for all workdays on which an employee works more than ten (10) hours. The second meal break may be waived only if:

- The total hours worked on that workday is not more than twelve (12);
- There is mutual consent between the employer and employee; and
- The first meal break of the workday was not waived.

Employees are expected to take their meal breaks and not work during that time. An employee who desires to stay at his/her desk and attend to their own business can only do so if their physical location is not in a public area. If the workspace can easily be observed by the public, the employee shall take his/her breaks elsewhere. If for any reason an employee does not take the applicable meal periods, he/she should notify his/her supervisor immediately.

8. Lactation

Employees who are breastfeeding will be required to use the paid rest break time already provided to them, if possible, in order to express breast milk for an infant child. Employees may take additional unpaid breaks with their supervisor's approval. If a reasonable amount of additional time is needed, that time will be unpaid and will only be approved if the employee's

taking the additional time does not seriously disrupt business operations. The employee may choose to use his/her lunch break time to express breast milk as well.

The Town will make reasonable efforts to provide employees who need a lactation accommodation with the use of a room or other private location that is located close to the employee's work area. Employees with private offices, i.e., with a door that can be locked without visibility to passers-by, may be required to use their offices to express breast milk.

Employees who desire lactation accommodations shall contact their supervisor or the City Manager or authorized designee to request accommodations.

POLICY #210: PAYMENT OF WAGES

The Town pays its employees on a biweekly basis. Following are the guidelines used for payment of wages.

GUIDELINES

1. Pay Dates/Pay Periods

Employees will be paid every other Friday. The compensation will reflect work performed for the two (2) weeks ending on the Friday preceding payday. A yearly pay date calendar will be distributed to all employees prior to the first pay period in the calendar year. The pay dates will also be posted in the lunch area of the office.

By law, required deductions must be made in each pay period for Federal and State income taxes, Medicare, State Disability Insurance, and such other contribution required by law.

If there is a discrepancy in pay or the employee feels that payroll made a mistake, he/she shall notify the Finance Department or the City Manager or authorized designee, who will address the issue within a reasonable amount of time.

2. Timekeeping Requirements

Accurate recording of time worked is the responsibility of every employee. Federal and State laws require the Town to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Non-exempt employees must accurately record the time they begin and end their work. They shall also record the beginning and ending time of any departure from work for personal reasons.

All employees must record days taken off for vacation, sick, or administrative leave.

It is the employee's responsibility to certify the accuracy of all time recorded. The employee's login to the Town's timekeeping computer software and the employee's password serves in lieu of the employee's signature and signifies that the employee has reviewed and confirmed the accuracy of his/her timesheet. Supervisors must review and then approve the time sheets before submitting them for payroll processing. Tampering, altering, or falsifying time records shall result in disciplinary action, up to and including termination of employment.

3. Automatic Payroll Deposit

The Town offers automatic payroll deposit for all employees. The employee may begin and stop automatic payroll deposit at any time. To begin automatic payroll deposit, the employee must submit form the City Manager or authorized designee one pay period prior to the pay period that the service is to begin. A voided check showing the employee's account number must be submitted with a request for automatic payroll deposit. The employee shall monitor his/her payroll deposit for the first two pay periods after the service begins.

To stop automatic payroll deposits, employees shall inform the Finance Department or the City Manager or authorized designee one pay period prior to the pay period in which they wish to stop the automatic service.

POLICY #211: ATTENDANCE AND TARDINESS

Consistent attendance and punctuality are required standards for the Town's business operation, and therefore an integral part of each employee's performance standard. Poor, uncertain, or irregular attendance produces disruptive results for operations, lowers overall productivity and continuity of work, and is burdensome to other employees.

Employees are expected and required to report to their designated work location at the prescribed time work activity is to commence. Tardiness, un-excused absences, and/or failure to report as required is/are not acceptable.

In all cases of an employee's absence, the employee shall provide the supervisor with a truthful reason for the absence and, if applicable, the probable duration of the absence. Employees unable to adhere to the Town's attendance policy will be subject to disciplinary action, up to and including termination of employment.

GUIDELINES

1. If an employee is unable to report to work on time due to illness, injury, or any other reason, the employee shall notify his/her immediate supervisor, or if that person is unavailable, the Town's front desk receptionist followed with a voicemail message about the reason for the absence to the employee's supervisor by 9 a.m. or as soon as reasonably possible. Police officers and dispatchers must notify their supervisor by the time their shift begins or as soon as reasonably possible. (See "Sick Leave"; Policy #305, for additional information.)
2. Excessive or repetitive tardiness or absenteeism, regardless of reason(s), which renders an employee insufficiently available for work or negatively impairs the operations of the Town, will be evaluated on a case-by-case basis to determine the merits of disciplinary action, up to and including termination of employment.
3. Employees absent for three consecutive workdays without calling in to report the absence are presumed to have voluntarily resigned from employment with the Town as of the first day of absence. This "no call/no show" policy applies to all situations other than extreme emergencies. Any such employee shall be required to show good cause as to the reason for failing to report for work or check in, otherwise they shall be considered to have resigned as set forth above.

POLICY #212: MANDATORY MEETINGS/TRAINING

The Town may pay employees for attendance at meetings, seminars, and training programs (in-state and out-of state) under the following conditions:

- The Town requires attendance.
- Attendance is requested by the employee and prior approval was granted by the employee's supervisor, City Manager or authorized designee, and City Council.
- The meeting or seminar is directly related to the employee's job.
- The employee who is required to attend such meetings, seminars, or training programs will be notified of the necessity for such attendance by his/her supervisor.

GUIDELINES

If an employee voluntarily schedules to attend a one-day seminar or conference on his/her regularly scheduled day off, the Town will not pay overtime for attendance. In the event that the program requires overnight accommodations, overtime will not be paid for any portion of these programs. Accommodations and meals may be paid for by the Town or reimbursed to the employee based on current local, state, and/or federal per diem rates in the Town's discretion.

Employees requesting approval to attend a budgeted seminar or conference in excess of two (2) days shall complete a written request, including estimated expenses. The request shall be submitted to the supervisor and City Manager or authorized designee and must be approved before attending. Appropriate meals will be reimbursed based on current local, state, and/or federal per diem rates or by submitting an employee expense form, with attached receipts as approved by the Town.

If the employee is authorized and uses his/her own car, mileage reimbursement will be made at the current IRS rate. Travel expenses will be reimbursed upon presentation of receipts and an employee expense form. Approval of reimbursement must be provided by the employee's supervisor or by the City Manager or authorized designee. Advances for reimbursable expenses may be made for one-day seminars or workshops on a case-by-case basis.

POLICY #213: STANDARDS OF CONDUCT

Due to the higher level of standards required for Police Department personnel further guidelines are set forth in the Police Department's Lexipol Manual Policy #1043. In the event conflict exists between the two policies, Lexipol will prevail in governance of Police Department personnel.

Like all other organizations, the Town requires order, discipline, and performance to succeed and to promote efficiency, productivity, and cooperation among employees. It is not possible to list all forms of behavior that are considered unacceptable in the workplace. Examples of conduct that is prohibited and will not be tolerated by the Town are listed below. This list is illustrative only and other types of conduct that threaten the security, personal safety, and welfare of employees and/or the Town's operations are also prohibited.

GUIDELINES

Any actions such as the examples of misconduct listed below will be cause for the Town to discipline the employee, up to and including termination of employment. These statements of prohibited conduct do not alter the Town's policy of at-will employment for employees. Either the employee or the Town remains free to terminate the employment relationship at any time, with or without reason or advance notice.

1. Using the Town's funds and property for any unlawful purpose, including but not limited to unlawful political contributions, payments to governmental officials or employees, illegal rebates or refunds, and payments or commitments made with the understanding or under circumstances that would indicate that these payments are kickbacks, bribes, or to obtain influence.
2. Establishing or maintaining unrecorded funds for any purpose.
3. Not recording any financial transactions promptly on the books of the Town; making false or misleading entries for any reason; or not documenting, properly authorizing or disclosing to the City Council any substantive commitments and agreements.
4. Making commitments or agreements beyond what is authorized by the City Council. This authorization shall be in the budget document or by explicit policy or resolution, or minute order.
5. Making payments with the understanding that any part is to be used for a purpose other than that described by the records supporting the payment.
6. Gifts, favors, and entertainment may be given to others at the Town's expense only if they are consistent with accepted business practices and are of such limited value that they cannot be considered as a bribe or pay-off (see "Gratuities", Policy #406). Designated Employees are required to comply with the Political Reform Act of 1974 and file Form 700-FPPC, which is a public document intended to disclose potential conflicts of interest.
7. Using the Town letterhead/stationery for personal or non-official correspondence.

8. Falsifying employment records, employment information, or other Town records (note that employment information includes Social Security Numbers and any other documents used to verify identity and ability to work in the United States);
9. Recording employee's own work time without approval of the supervisor, or falsifying any timecard;
10. Theft or deliberate or careless damage or destruction of any Town property or the property of any employee or customer;
11. Removing or borrowing Town property without prior authorization;
12. Unauthorized use of Town equipment, time, materials, or facilities;
13. Provoking a fight or fighting during working hours or on Town property;
14. Carrying firearms or any other dangerous weapons on Town premises at any time unless permitted to do so as a job condition (Police Officer);
15. Engaging in criminal conduct involving crimes of moral turpitude whether or not related to job performance;
16. Causing, creating, or participating in a disruption of any kind during working hours on Town property;
17. Insubordination, including but not limited to, failure or refusal to obey the orders or instructions of a supervisor or member of management;
18. Using threatening or abusive language towards anyone while in a work status;
19. Failing to notify a supervisor when unable to report to work;
20. Unreported absence of three or more consecutive scheduled workdays;
21. Failing to obtain permission to leave work for any reason during normal working hours;
22. Failing to observe working schedules;
23. Failing to provide a physician's certificate when requested or required to do so;
24. Sleeping or malingering on the job when required to be working;
25. Mailing, emailing, or accepting telephone calls for personal reasons of more than a few minutes during working hours, except in cases of emergency;

26. Working overtime without authorization or refusing to work assigned overtime, except under extenuating circumstances;
27. Intentionally or negligently violating any safety, health, security, or Town policy, rule, or procedure;
28. Committing a fraudulent act or a breach of trust under any circumstances in the workplace;
29. Committing or involvement in any act of unlawful harassment of another individual;
30. Giving out confidential information such as criminal history, department knowledge, or security codes or keys to access secure facilities;
31. Unsatisfactory job performance or inability to perform job duties in a satisfactory manner;
and
32. Any other conduct incompatible with service to the public including behavior in the conduct of Town business which causes, or would tend to cause, discredit to fall upon the Town.

POLICY #214: DISCIPLINE

Further guidelines are set forth in the Police Department's Lexipol Manual Policy #340. In the event conflict exists between the two policies, Lexipol will prevail in governance of Police Department personnel.

Each Town employee shall perform his or her own work for the Town in compliance with high standards of performance and behavior required in a professional workplace and consistent with the Town's Business Ethics Policy (see Policy #108) and Standards of Conduct Policy (see Policy #213). Each employee is responsible for correcting any unsatisfactory performance or behavior in order to maintain high workplace standards.

GUIDELINES

If an employee's performance or behavior is unsatisfactory or deficient, the employee may face disciplinary action. The City Manager or authorized designee has the right to determine what disciplinary action is appropriate based on the facts of each case. Any disciplinary action will be related to the severity of the performance or behavioral deficiency, its frequency, its consequences, and the employee's record of prior performance and behavior.

The City Manager or authorized designee may take disciplinary actions regarding an employee's unsatisfactory or deficient performance or behavior and propose corrective actions, which the employee shall take to bring performance or behavior to expected standards including, but not limited to:

- Verbal counseling;
- Written reprimand;
- Suspension of employee from work with or without pay;
- Reduction in pay or demotion of employee from current position to lower-paid position or classification; and/or
- Termination of employment.

The Town generally follows progressive discipline but is not required to treat each form of discipline as a step in a series to be followed with an employee before termination of employment. A serious or major performance or behavioral deficiency may result in a more severe disciplinary action, including immediate termination of employment, and may not necessarily be preceded by less severe forms of disciplinary action.

APPEAL PROCEDURE

An employee charged with violation of Town or Department rules and regulations and who has exhausted the administrative procedures available to him/her and is now proposed to be disciplined in accordance with such rules and regulations shall be entitled to an administrative appeal.

Procedure

1. Absent unusual circumstances, within five (5) business days of receipt of written notice implementing disciplinary action, the employee may file a notice of appeal by giving written notice of appeal to the City Clerk. A time for an appeal hearing before the City Manager shall be established which shall be not less than ten (10) business days nor more than thirty (30) business days from the date of filing of the appeal unless the employee and the City Manager agree to some other date. All interested parties shall be informed in writing of the date, time and place of the hearing at least (5) business days prior to the hearing.
2. The City Manager or authorized designee shall be the hearing officer for appeals unless the City Manager determines that he/she has been substantially involved with or embroiled in the disciplinary proceedings and cannot be neutral, either with or without a written request from the employee, the City Manager may in his/her sole discretion designate another hearing officer to hear the appeal. In situations where the affected employee is a department head or member of the City Manager's direct staff, an alternate hearing officer shall be designated by the City Manager to hear the appeal.
3. In instances involving termination of employment, if the City Manager, in his/her sole discretion, determines that an independent hearing officer should be appointed, the City Manager shall select a non-employee of the Town to conduct the hearing. That hearing shall comply with the provisions of this Article insofar as possible.
4. All appeal hearings shall be closed to the public unless the appellant requests that it be open to the public. The appellant shall be present at the hearing.
5. The hearing shall be informal in nature and not be conducted in accordance with technical rules of evidence and procedure; however, hearings shall be conducted in a manner most conducive to determining the truth in a fair and appropriate manner. Each party shall have the right to be represented by counsel or other person, to call and examine witnesses, to introduce evidence, to cross-examine opposing witnesses, and to impeach opposing witnesses and rebut any information they may present. Any relevant evidence may be admitted if it is the sort of evidence upon which responsible persons are accustomed to rely in conduct of serious affairs, regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in and of itself to support a finding unless it would be admissible over objection in a civil action. The rules of privilege shall be recognized as in civil actions, and irrelevant and unduly repetitious evidence may be excluded. Decisions made by the hearing officer shall not be invalidated by any informality in the proceedings.
6. The hearing officer shall rule on the admission or exclusion of evidence, and may rely upon legal counsel for assistance where necessary.
7. Oral evidence shall be taken only on oath or affirmation under penalty of perjury.

8. The hearing shall proceed in the following order unless the hearing officer for special reason directs otherwise:

- A. The party imposing discipline may make an opening statement;
- B. The appealing party may make an opening statement;
- C. The party imposing discipline shall present its case in chief and produce evidence on its behalf;
- D. The party appealing may then present its defense and produce evidence on its behalf;
- E. The parties may then, in order, respectively offer rebuttal evidence;
- F. Arguments shall be made, first by the party imposing discipline, then the appealing party. Further rebuttal arguments may be allowed by the hearing officer in his or her discretion; and
- G. The hearing officer shall take the matter under submission and issue a written decision within fifteen (15) days, or longer if agreed to by both parties. The decision shall include findings and recommendations regarding each of the charges and whether each charge is sustained, rejected, or modified.

9. During the examination of witnesses all other witnesses, except a representative of each party, shall be excluded from the hearing.

10. The hearing officer may grant a continuance prior to the commencement of the hearing or during the hearing for any reason believed to be important to reaching a fair and proper decision.

11. The decision of the hearing officer is final and conclusive in all cases except where the affected employee is a department head.

12. The decision of the hearing officer may be presented to the Superior Court for judicial review pursuant to Code of Civil Procedure section 1094.6, and any such review shall be filed within the time limits set forth therein.

13. If any of the provisions of this Article conflict with the Public Safety Officers Procedural Bill of Rights (Gov. C. sections 3300 through 3311), the provisions of that Act shall prevail for “public safety officers” as the term is defined in Gov. C. section 3301.

14. The City Manager may establish any necessary administrative procedures required to carry out the intent of this Article and to ensure a uniform, fair, and appropriate process.

15. The City Council shall have sole authority for the discipline of its appointed officers, and shall follow the provisions and intent of this Article insofar as possible.

POLICY #215: TERMINATION OF EMPLOYMENT

The City Manager or authorized designee may separate employees from employment as necessary and as provided by these policies. Reasons for employee termination from employment include dismissal by disciplinary action, resignation, death, non-disciplinary absence or disability, retirement, and layoff.

All employees will be paid in full for accrued and unused vacation and compensatory time off on the last day of employment or within the appropriate timeframe based on Federal and State laws.

Employees will be advised of the Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Health Insurance Portability and Accountability Act (HIPAA), if applicable. (See Policy #301 for an explanation of these options.)

GUIDELINES

1. Resignation

An employee who desires to terminate his/her employment should submit a written resignation at least two (2) weeks before the intended resignation date. Supervisors and department managers are encouraged to give thirty (30) working days' notice of intent to resign.

2. Death of the Employee

In the case of the death of an employee, his/her estate shall be paid all wages or salaries and annual leave accrued as though the employee had voluntarily terminated his/her employment.

3. Non-disciplinary Separation from Employment

A. The City Manager or authorized designee may initiate non-disciplinary separation from employment of an employee for reasons of job abandonment, failure to return to work following an approved leave, enforcement of the Employment of Relatives (Policy #401), physical or mental disability that cannot be reasonably accommodated, or other similar non-disciplinary reasons. Employees in positions which require driving as an essential duty may be subject to non-disciplinary separation from employment in the event of denial/exclusions of coverage by the insurance carrier or failure to maintain a valid driver's license or any other certification or license that is required to perform the work.

B. The City Manager or authorized designee shall provide written notice to any regular status employee separated from employment for non-disciplinary reasons. The effective date of employment termination shall be determined by the City Manager or authorized designee to be the last actual day at work or the date the written notice is signed or a future date. Upon receipt of notice of non-disciplinary separation from employment, the employee may accept the decision or within five (5) days submit a written request to the City Manager or authorized designee for informal reconsideration of the employment separation decision. Such request must include statement of facts or information, which

the employee believes will give the City Manager or authorized designee good reason to change the termination decision. The City Manager or authorized designee will respond to any such request for informal reconsideration in a timely manner.

4. Organizational Changes

The Town exercises complete control and discretion over its organization and the methods of performing its work. Whenever in the judgment of the Town it becomes necessary in the interest of economy and efficiency or because the need for the performance of duties no longer exists, the City Council, with a formal recommendation provided by the City Manager or authorized designee, may eliminate, consolidate, or reorganize any positions.

5. Reduction in Force or Layoffs

At times, the Town may need to restructure or reduce its workforce. If it becomes necessary to restructure operations or reduce the number of employees, the Town will attempt to provide advance notice, if possible, so as to minimize the impact on affected employees. If represented employees are affected, the Town will follow the provisions of the Memorandum of Understanding.

6. Retirement

An employee planning to retire shall submit a written notice at least thirty (30) days before the effective date of retirement.

7. Final Paycheck

Although it is requested that an employee give two (2) weeks' notice before resigning, if an employee provides seventy-two hours (72) notice, the employee will receive the final paycheck on the last day of work. If less than seventy-two (72) hours' notice is given, the Town shall release the final check within seventy-two (72) hours of when notice is given.

If the employee is terminated involuntarily, a final paycheck will be provided on the day of termination.

8. Return of Town Property

Upon termination of employment, employees are required to return all equipment, keys, identification cards, computers, laptops, and other Town property prior to leaving the Town.

9. Continuation of Group Health Benefits – C.O.B.R.A.

In accordance with Federal and State law, employees and their families, at their expense, may have a temporary extension of health coverage at group rates plus applicable administrative fees in certain instances where coverage under the plan would otherwise terminate. The employee may contact the City Manager or authorized designee for more information regarding this benefit.

POLICY #216: COMPLAINT RESOLUTION GUIDELINES

The Town recognizes the benefit of providing an orderly and expeditious method for resolving problems, which may arise from working relationships and conditions. It is the Town's policy to provide an orderly method for handling problems and complaints in the interest of obtaining fair and equitable solutions.

Employees shall be advised that using this process shall not affect their job status, security, or relationship. Employees can exercise this complaint resolution process without retribution.

GUIDELINES

1. Except where a remedy is otherwise provided for by law, any employee has the right to present a problem or complaint arising from his/her employment in accordance with applicable law.
2. All parties involved in the problem solving process must act in good faith and strive for objectivity, while attempting to reach a solution at the earliest possible step of the procedure. Employees shall have the assurance that bringing forward a problem or complaint will not result in reprisal of any nature.
3. The Town is committed to ensuring a prompt and fair problem resolution process, including any necessary investigation process. At the discretion of the City Manager or authorized designee and/or the employee's supervisor (unless otherwise required by law), the employee may be allowed to use Town facilities and work time to deal with their job or workplace related problem or complaint and to go through the complaint resolution process. The use of any office time for this purpose shall not be excessive, nor shall this privilege be abused.
4. In gathering information on a problem or complaint, the employee may discuss the problem or complaint with employees immediately concerned after obtaining permission from their immediate supervisor; and review all non-confidential or privileged documents, records, or data related to the situation. A list of such employees must be submitted to the City Manager or authorized designee in advance.

Upon obtaining permission from their immediate supervisor, the employee shall be permitted to leave the normal work area during on-duty time for such time as is necessary to prepare a written complaint. If any involved supervisor feels that the time requested would unduly interfere with an adequate level of service, alternative arrangements shall be made.

5. Certain time limits in the problem solving procedure are designed to settle the problem or complaint. The Town realizes, however, that occasionally the parties concerned may be

unable to comply with the established limitations. In such instances, the limitations may be extended upon the mutual agreement of all parties concerned.

SECTION III: BENEFITS

*For employees represented by the **Atherton Police Officers' Association (POA)**, the terms and conditions of the Memorandum of Understanding also apply. In cases of conflict or contradiction between this policy manual and the POA's MOU, the MOU's provisions supersede the manual.*

POLICY #301: HEALTH AND WELFARE BENEFITS

The Town provides its eligible employees access to comprehensive health and welfare insurance protection including medical, dental, vision, life and accidental death and dismemberment, employee assistance program, short-term disability, long-term disability, workers' compensation and unemployment insurance protection. The enrollment and/or cancellation date for all insurance coverage is the 1st of each month, unless otherwise indicated. For example, if an employee's first day of employment is January 15, the first possible enrollment date for the above-mentioned insurance plans is February 1.

The Town also provides retirement benefits and other optional benefit plans as outlined below. For employees represented by the Atherton Police Officers' Association (POA), the terms and conditions of the Memorandum of Understanding also apply. In cases of conflict or contradiction between this policy manual and the POA's MOU, the MOU's provisions supersede the manual.

GUIDELINES

1. IRS Section 125 Flexible Spending Plan:

- A. The Town will continue to provide a Flexible Benefits plan, subject to the requirements and availability of Internal Revenue Code Section 125, allowing employees to use pre-tax compensation for PEMHCA medical premiums, eligible dependent care expenses, eligible uninsured medical expenses, or a combination thereof.
- B. Effective January 1, 2013, the Town shall contribute each month up to the amounts listed below, based on the employee's level of medical plan enrollment, to each active employee's IRC section 125 Cafeteria Flex Plan account. The benefit allowance is to be used to offset the costs of the employer provided medical, dental and vision insurance premiums. An employee may not use the allowance for other reasons. These amounts may be adjusted by the City Council in superseding resolutions. Provisions of the Cafeteria Flex Plan shall be set forth by resolution of the City Council as soon as practical after adoption of this Resolution to clarify and implement the specifics of the plan which is outlined herein.
 - \$750 for employee only,
 - \$1400 for employee plus one dependent,
 - \$1600 for employee and two or more dependents
- C. Any increases to premiums by providers will not cause the benefit allowance contributions above to be modified.

- D. Any amount remaining after the Employee has designated the portions of his or her IRC Section 125 plan contribution amount for the purposes described in this section above at the end of the program year will be deemed forfeited.
- E. Any Employee that enrolls in a Medical, Dental or Vision plan that has a higher premium than the benefit allowance, as stated above, will pay the difference via pre-tax payroll deductions.
- F. Procedures for the administration of the Section 125 Plan shall be determined by the Town. The Town shall assume the administrative cost for the Plan.

2. Health Benefits

- A. The Town offers medical insurance through the PERS Public Employees' Medical and Hospital Care Act (PEMHCA). Employees may elect the plan which best meets their individual medical needs from a variety of different carriers. Employees may enroll their spouse, eligible children, or registered domestic partners and eligible children of registered domestic partners, according to PERS' rules and guidelines. The Town may conduct an audit of eligible dependents for medical insurance, as required.
- B. The Town shall pay the minimum amount required by law toward the monthly premium for hospital and medical care benefits under the CalPERS (PEMHCA) Health Plan referred to as the minimum employer contribution (MEC). Any remaining premium shall be paid by the employee either through the Section 125 Plan (described in Section 1 above) or payroll deduction or a combination thereof unless replaced by a federally mandated health coverage plan. The Town reserves the right to modify the health insurance programs offered to its employees.
- C. Regular part-time employees must work a minimum of twenty (20) hours per week to qualify for PERS health benefits.
- D. Eligible employees who are covered by health insurance coverage through their spouse or other source with benefits comparable to those provided through Town sponsored plans may waive or decline coverage under the Town sponsored plans. The employee must provide proof of medical insurance to the Town. The Town will pay such employee the lesser of 50% of the benefit contribution for which the employee is eligible or \$300 per month, unless this provision is removed pursuant to compliance with any federally mandated healthcare program. Re-enrollment in the Town sponsored CalPERS (PEMHCA) Plan is subject to the limitations and exclusions time period instituted by CalPERS. Employees are eligible to reenroll during the CalPERS open enrollment period. Upon the effective date of reenrollment, payments pursuant to this section cease.

3. Retiree Medical

Current employees shall receive retirement medical benefits as provided under the contract in effect when they were hired.

The Town's maximum contribution for retiree medical, for employees who are hired after July 1, 2009, but prior to the effective date of this resolution, shall be the Employee Only rate for Kaiser.

Employees hired after July 1, 2013 shall not be entitled to Town-paid retiree medical beyond the monthly minimum contribution rate (MCR).

For employees who are members of the Atherton Police Officers' Association (POA), after retirement, the Town shall set a designated contribution amount based on years of service so long as such retired employee maintains PERS health insurance.

The cost of providing health benefit coverage for a retiree's eligible children or eligible children of a registered domestic partner will be paid from the retiree's retirement compensation, if he/she so desires.

4. Dental Benefits

Dental benefits, which can also be paid through the employee's Flexible Benefit Plan, are offered to both the employee and dependents. The Town may conduct an audit of eligible dependents for dental insurance, as required. Any questions on dental coverage can be answered by contacting the City Manager or authorized designee. Dental coverage is not available to a retiree, his/her spouse, registered domestic partner, or other eligible family members.

5. Vision Care

Vision benefits, which can also be paid through the employee's Flexible Benefit Plan, are offered to both the employee and dependents. The Town may conduct an audit of eligible dependents for vision insurance, as required. An explanation of the plan can be provided by the City Manager or authorized designee.

6. Group Term Life Insurance

The Town will provide employees paid term life/accidental death and dismemberment insurance in accordance with the applicable MOU's, contracts, and/or resolutions.

7. Long-Term Disability Insurance

Town employees are offered a long-term disability insurance program. The Town will insure payment to the employee at 67% of monthly earnings, to a maximum benefit of \$6,000 per month. This insurance becomes effective the first day of the month following date of employment subject to the terms and provisions contained in the policy. The waiting period

following a disabling event is sixty (60) days. An employee does not accrue sick or vacation leave while on Long Term Disability leave.

8. Short-Term Disability Plan (SDI)

Town employees are offered a short-term disability insurance program. The Town will insure payment to the employee at 70% of weekly earnings, to a maximum benefit of \$500 per week. Details about the program can be explained in more detail by the City Manager or authorized designee. Town-paid Short Term Disability Insurance can only be utilized after an employee has exhausted all of their available sick leave.

9. Employee Assistance Program (EAP)

The Town offers a program for psychological counseling to covered employees and dependents, with total Town expenditures not to exceed \$3,000 per employee and family visits in any fiscal year for payment of up to six (6) professional psychological sessions each year. Operation of the Employee Assistance Plan is subject to the City Council's funding of the plan within any fiscal year budget.

10. Health Insurance Portability and Accountability Act (HIPAA)

Health plan portability under HIPAA is available to Town employees and their dependents provided they have had prior medical coverage for 18 months under the PERS group plan. Employees and dependents who meet the prior coverage requirements shall not be denied insurance coverage for pre-existing conditions. It is critical, however, that the employee maintains continuous coverage. Upon termination of employment from the Town, the employee's health plan carrier will notify the employee of the availability of HIPAA to individuals leaving a group plan on a guarantee issue basis (meaning that a qualified individual cannot be denied an individual policy on the basis of health underwriting). Continuation of coverage is paid by the employee directly to the health plan carrier.

11. Consolidated Omnibus Budget Reconciliation Act (COBRA)

Employees and dependents who lose group coverage due to termination of employment or other "qualifying events" (i.e., death of employee or divorce or separation) may continue health and dental coverage on a self-pay basis under the COBRA option.

Upon an employee's termination of employment, the City Manager or authorized designee will issue a Notice of Right to Elect COBRA Continuation Coverage for health, dental and vision coverage. To continue health care coverage under COBRA, the employee shall fill out form HBD-85 and submit it to the City Manager or authorized designee. To continue dental care coverage under COBRA, the employee shall sign forms provided by the City Manager or authorized designee. Continuation of coverage is paid by the terminating employee directly to the health plan carrier.

12. Paid Family Leave (PFL)

Paid Family Leave (PFL) is a State-sponsored insurance program within the State Disability Insurance (SDI) program. Through PFL, employees receive partial wage replacement for up to six (6) weeks in any twelve (12)-month period while on leave from work to care for a seriously ill or injured family member or to bond with a child.

Leave for bonding with a child must occur within one (1) year of:

- The birth of a child; or
- Placement of a child in the home for foster care or adoption.

The benefits of this program, paid for by the employee through payroll deductions, can be explained in more detail by the City Manager or authorized designee.

13. Unemployment Insurance

Unemployment insurance provides compensation payable to people unemployed through no fault of their own, who are actively seeking employment and are available and able to work. The Town pays the entire cost of unemployment benefits for former employees through taxes paid to the State. To receive more detailed information regarding the coverage, please contact the City Manager or authorized designee.

14. Retirement Benefits

All full-time employees are enrolled in the California Public Employees Retirement System (CalPERS), as amended by AB 340 of 2012, in lieu of Social Security coverage. All local miscellaneous employees hired before July 1, 2013 shall continue to be enrolled in the 2% at 55 retirement benefit plan. The Town hereby creates a Tier 2 Local Miscellaneous Retirement Program applicable to all miscellaneous employees hired after July 1, 2013 in the 2% at 62 retirement benefit plan and be subject to the three year average basis for determining the pension benefit levels. All Tier 2 local miscellaneous employees shall contribute the full required employee contribution.

All public safety employees covered by this resolution shall continue to be enrolled in the 3% at 50 retirement benefit plan subject to the highest one year of service. The Town hereby creates a Tier 2 Public Safety Employee Retirement Program applicable to public safety employees subject to this resolution. Any such public safety employee hired after July 1, 2013 and following any required notice by CalPERS, shall be enrolled in the 2.7% at 57 retirement benefit plan, and be subject to the highest three years average basis for determining the pension benefit level. All Tier 2 public safety employees shall contribute the full required employee contribution.

The Town will continue to offer the voluntary salary reduction option offered by Section 414H2 of the IRS Code and the Public Employees Retirement System.

RETIREMENT CONTRIBUTIONS: Effective July 1, 2013, all Tier 1 local miscellaneous and local safety employees shall assume payment of the full required employee retirement contribution.

15. Deferred Compensation Plan

Town employees are eligible to participate in Deferred Compensation Plans offered by the Town. The Town shall provide non-sworn employees covered under APOA, a contribution of 2% of base salary. To receive more detailed information regarding these options, please contact the City Manager or authorized designee.

16. Flexible Spending Plan

Regular full-time employees may enroll in this IRC section 125 plan and take advantage of tax benefits as they pertain to medical and dependent care. Employees enroll upon employment and annually thereafter in the month of January.

POLICY #302: WORKERS' COMPENSATION PROGRAM

Workers' Compensation is a State-mandated benefit provided to employees who are injured on the job or who become injured as a result of employment. Employees are entitled to medical treatment that is reasonably required to cure or relieve the injury or illness. For more information about the Town's workers' compensation insurance policy and insurance carrier, please contact the City Manager or authorized designee.

Employees who are injured in a work-related incident will be referred to a medical facility of the Town's choice, unless the employee has signed a form to be treated by their personal physician. This pre-designation form must be signed and submitted to the City Manager or authorized designee prior to the date of the injury/illness or after 30 days if a change in treating doctor is requested through the City Manager or authorized designee.

There are various categories of workers' compensation benefits. Temporary disability payments are made when an employee is unable to return to work while recovering from the injury/illness. Permanent disability is paid if the employee's injury/illness results in a permanent impairment. Death benefits are paid to qualified surviving dependents if the on-the-job injury or illness results in the employee's death.

For employees who are eligible, vocational rehabilitation maintenance allowance and other rehabilitation benefits are offered through the Town's Long-Term Disability program to employees who are permanently unable to return to their usual and customary job as a result of the injury/illness.

The injury or illness must be reported immediately to the employee's supervisor. A written Employee's Claim Form (DWC Form 1) must be completed by the employee and returned to the City Manager or authorized designee. If an employee does not report the accident/illness within forty-eight (48) hours, Workers' Compensation Insurance benefit rights may be lost.

Once an injury or illness has been accepted by the insurance administrator as industrial, workers' compensation benefits will normally begin after the third day the employee was hurt and off work. If the disability continues for more than fourteen (14) calendar days or if hospitalization occurs as a result of the injury, the benefits begin on the first day after the onset of illness/injury. There will be no deduction from the employee's sick leave account for the first day of the job injury if the employee is sent home by the treating physician. The second and third day will be charged to the employee's sick leave account unless the employee is hospitalized in which case the employee will not be charged for the first three days. The employee may also choose to use any accrued vacation, administrative leave, or other accrued paid time off for any time missed at work, if applicable. Thereafter, sick leave benefits are integrated with Workers' Compensation benefits. As Workers' Compensation benefits cover only a part of the employee's normal weekly pay, the employee may use accumulated sick leave or vacation or administrative leave to make up for the shortfall. The employee must notify the City Manager or authorized designee as

to the use of their sick leave, vacation or administrative leave, in writing, at least five (5) days prior to the close of the pay period.

An employee requiring a leave of absence due to a workers' compensation injury or illness shall make a written request through his/her physician, stating the medical condition; the medical necessity for the leave; indicating the anticipated leave date; and the expected return-to-work date. Should the return-to-work date change, the employee is responsible for notifying his/her supervisor of the new anticipated return date.

Prior to returning to work from a workers' compensation leave of absence, an employee on a leave shall submit a written medical release from the physician in a form satisfactory to Town management. The physician statement shall indicate whether the employee is able to perform all his/her customary and normal responsibilities. During the period of leave, the employee shall report weekly to the supervisor regarding their medical status.

Any person who makes or causes to be made any knowingly false or fraudulent material statement or material misrepresentation for the purpose of obtaining or denying workers' compensation benefits or payments is guilty of a felony.

The Town pays the full cost of Workers' Compensation Insurance coverage.

Neither the Town nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the Town.

POLICY #303: HOLIDAYS

The following eleven (12) paid holidays shall be observed by the Town:

New Year's Day	January 1
Martin Luther King Jr.'s Birthday	Third Monday of January
Presidents' Day	Third Monday of February
Lincoln's Birthday	February 12 (POA only)
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Day	December 25

GUIDELINES

1. Holidays Falling on Weekend Days

When any of the holidays identified above fall on a Sunday, the following Monday will be deemed to be the holiday in lieu of the day normally observed. When any of the holidays above fall on a Saturday, the preceding Friday will be deemed to be the holiday in lieu of the day normally observed.

2. Personal Holiday

Regular full-time employees shall be granted one (1) personal holiday on a date to be determined by the employee subject to the approval of the City Manager or authorized designee. This holiday will be credited to the employee's vacation bank each January.

3. Holiday Time

Regular full-time employees shall receive eight (8) hours of holiday pay for each of the above holidays at their regular base rate. Regular part-time employees shall receive paid holiday time pro rata based on actual hours worked should their regular work schedule fall on one of the above listed holidays.

4. Administrative Procedure

The City Manager or authorized designee shall establish holiday procedures governing all employees.

5. Employees Required to Work on a Holiday

Employees who are members of the Atherton Police Officers' Association, who work a full shift which commences on one of the holidays defined above shall choose one of the following compensation alternatives:

- A. Employees shall receive their wage at the normal hourly rate and also receive a holiday hour credit equal to the number of hours worked in the shift.
- B. Employees shall receive their wage at overtime hourly rate in lieu of any credits to their holiday balance.

For all other employees, any regular or probationary non-exempt employee required to complete emergency work on a designated holiday shall be compensated at double and one-half time the employee's regular rate.

POLICY #304: VACATION

POLICY

Full-time employees working 40 hours per week accrue vacation from date of hire in accordance with the schedule shown below. Probationary employees accrue vacation time, but cannot use it until they successfully complete probation or any extension of probation, except with the approval of the City Manager in exceptional circumstances.

Part-time employees are entitled to earn prorated vacation based on the hours regularly scheduled to work each week. Temporary and contract employees are not eligible to earn vacation time.

GUIDELINES

1. Vacation Accrual

Years of Service	Vacation Hours Accrued Per Year	Maximum Hours Accrued Per Year (Not applicable to POA)
Less than three (3) years of service	80 Hours	160 Hours
Three (3) years of service to eight (8) years of service	120 Hours	240 Hours
Eight (8) or more years of service	160 Hours	240 Hours

Part-time employees accrue vacation leave based upon number of hours worked.

2. Scheduling & Usage

Scheduling for vacations shall be done in such a manner as to ensure continuous and efficient operations for the Town. All vacations are subject to cancellation in case of emergency conditions.

No more than fifteen (15) consecutive workdays of vacation shall be taken at one time, except with approval of the City Manager or authorized designee.

A written request for vacation time of at least three (3) consecutive days shall be presented for approval at least thirty (30) calendar days prior to the time requested and the request must be approved by the employee's supervisor before the time can be taken.

Vacations shall be utilized in increments of at least one-half (1/2) day.

If a Town holiday occurs during vacation leave, the employee's vacation accrual will not be charged for that day.

If an employee or his/her immediate family member suffers a bonafide illness or injury during a vacation and is able to provide a doctor's certification regarding that illness or injury, the employee may request that sick leave be substituted for vacation leave. Granting sick leave in lieu of vacation is at the discretion of the City Manager or authorized designee.

3. Maximum Vacation Accrual

Once an employee reaches the maximum vacation accrual (see table above), vacation earnings will cease accruing until such time as the accrued unused vacation is below the maximum vacation accrual hours allowed.

4. Vacation Payout

An employee who separates from Town service will be paid for unused accrued vacation at straight time rates.

Employees shall be allowed to have the Town buy back accrued vacation once each fiscal year, with the approval of the City Manager, under the following terms:

- a) To be eligible to sell back vacation time, an employee must have a minimum balance of 60 hours of annual vacation accrual after any buy-back.
- b) A maximum of forty (40) hours of buy-back may be purchased by the Town per year per employee.
- c) Employees must request a vacation buy-back prior to June 1st of each year.
- d) The vacation buy-back program shall be suspended during any declared fiscal emergency.

5. Use of Vacation Time While on an Unpaid Leave

Employees can take accrued and unused paid leave before taking unpaid leave, or having unpaid absences. This includes Family Care, Medical, and Pregnancy Disability Leave.

POLICY #305: SICK LEAVE

Sick leave with pay is protection granted in circumstances of adversity to promote the health of the individual employee. It is not an earned right to time off from work and is not to be confused with vacation or other types of leave. It is a request for a benefit to be exercised under appropriate circumstances.

Excessive or repetitive absenteeism, regardless of reason(s), which renders an employee insufficiently available for work will be evaluated on a case-by-case basis to determine the merits of disciplinary action, up to and including termination of employment.

GUIDELINES

1. Accrual and Usage of Sick Leave

Regular full-time employees accrue sick leave at the rate of 3.69 hours per pay period of active employment in paid status. The maximum number of hours that **members in unrepresented employees group** can accrue is 960. **APOA members have no maximum on sick leave accumulations.** Accrual of sick leave begins at the end of the employee's first full month of service. The minimum sick leave taken at any one time shall not be less than one-half (1/2) hour.

Regular part-time employees accrue sick leave on a prorated basis based on actual hours worked per week.

An employee may only use sick leave that has accrued prior to the current pay period. Sick leave is not cashed out upon separation. Probationary employees can earn and use sick leave.

In the event an employee suffers a non-work related catastrophic injury or illness and has exhausted all of his or her accrued sick leave, the Town shall permit other individual employees to contribute up to 50% of their accrued sick leave to the seriously injured or gravely ill employee, provided however that any such individual's contribution shall not exceed 40 hours in any given calendar year.

2. Maximum Sick Leave Accrual – not applicable to APOA members

1. Once an employee reaches the maximum sick leave accrual of 960 hours, sick leave will cease accruing until such time as the accrued unused sick leave is below the maximum sick leave accrual hours allowed. For those employees whose balance exceeds the cap, no further sick leave shall accrue until their balance is below the cap.

3. Definitions

- A. Personal Sick Leave

Sick leave is the absence from duty of an employee because of the employee's own illness, injury, or exposure to a contagious disease that incapacitates the employee and prevents the employee from performing assigned duties.

B. Family Sick Leave

An employee may use their accrued sick leave to care for an ill immediate family member who requires the employee's personal attention. Employees are expected to make arrangements for other care as soon as possible in order to return to work.

C. Immediate Family Members

Immediate family members include spouse, parent, child, stepchild, mother/father-in-law, registered domestic partner, or other person who is living within the household and is in a dependent category according to IRS regulations.

D. Medical Appointments

Employees may use earned sick leave for routine physical checkups and medical and dental procedures for themselves and their family members. Whenever possible, requests for preventative sick leave usage shall be made sufficiently in advance to provide the employee's supervisor with proper notification for scheduling considerations.

4. Administration of Sick Leave

A. Notice of Illness

It is the responsibility of the employee to personally notify his/her immediate supervisor of illness or injury as early as possible but no later than the beginning of the employee's shift. If the supervisor is not available, the employee shall leave a voicemail message and inform another Town employee, or the City Manager or authorized designee that he/she will not be in. Police Officers are required to notify the on-duty Dispatcher of any necessary time off due to injury or illness as early as possible but no later than the beginning of the employee's shift. Failure to provide proper notification may result in the denial of sick leave with pay.

B. Documentation

The employee's supervisor or the City Manager or authorized designee may request a doctor's certification for any illness for which an employee requests sick leave, including family sick leave. Absences due to illness or injury of three (3) or more days require a doctor's certification when returning to work.

C. Denial of Sick Leave Benefits

Sick leave with pay may be denied if it is substantiated that the employee's absence did not meet the definitions as specified in Section 2, *Definitions*, of this Sick Leave Policy and may be grounds for disciplinary action, up to and including termination of employment.

An employee who is on unscheduled sick leave and has no sick leave accrual in his/her account and who has been counseled and noticed for sick leave abuse shall not use vacation for that time off. The employee will be on a leave of absence without pay.

D. Sick Leave Abuse Review

In reviewing each employee's sick leave usage, the supervisor and/or the City Manager or authorized designee will pay particular attention to specific indicators to determine if abuse of sick leave may be occurring. The indicators to be reviewed include, but are not limited to:

- (1) Patterns of sick leave usage (including Monday/Friday absences, absences occurring in conjunction with authorized days off or in conjunction with paydays);
 - (2) Unscheduled sick leave usage; and/or
 - (3) Demonstrated use of sick leave when neither employee nor family member is ill.
- Based upon a review of the above indicators, the supervisor and the City Manager or authorized designee will determine if counseling and/or disciplinary action is appropriate, up to and including termination of employment.

If the employee is not coming to work due to injury or illness and must leave his/her home for doctor's or hospital visits, the employee shall inform his/her supervisor so that the Town is aware that the employee may potentially be seen outside of their home.

5. Sick Leave Incentive Program

APOA employees are offered sick leave incentive through their current MOU, as follows: Provided the following conditions are met, all other regular full-time employees may receive two hours of vacation leave on December 31 of any calendar year for every eight (8) hours of sick leave earned but not used during that calendar year:

- A. The employee must have completed one (1) year of service by December 31 of the calendar year;
- B. The employee must have received a satisfactory overall rating on his/her most recent performance review for work done during that calendar year; and

- C. The employee only earns the incentive for non-use to the extent that the incentive does not exceed the vacation accrual cap.

6. Retirement

For detailed information on retirement, refer to the PERS booklet or contact the City Manager or authorized designee.

7. Use of Paid Sick Leave While on an Unpaid Leave

Employees can take accrued and unused paid leave before taking unpaid leave, or having unpaid absences. This includes Family Care, Medical, and Pregnancy Disability Leave.

POLICY #306: LEAVES OF ABSENCE

All leave time covered under this policy must be requested and recommended by the Department Head and approved by the City Manager or authorized designee.

Requests for leaves of absence without pay must be written and submitted to the Department Head for review. The Department Head will give his/her recommendation to grant or deny the leave to the City Manager, who may grant a leave of absence without pay for a period not to exceed one (1) year, during which time no benefits and no seniority credit will accrue. Upon expiration of an approved leave, or within five (5) working days after written notice to return to duty, the employee shall be reinstated in the position held at the time the leave was granted. An employee's failure to report promptly at the expiration of a leave, may be deemed to have given notice of resignation and/or cause for disciplinary action.

GUIDELINES

1. Family and Medical Leave

The Town may grant regular employees (including probationary employees) up to twelve (12) workweeks of unpaid time off in a 12-month period for the employee's own serious health condition, for the serious health condition of the employee's immediate family members, such as child, parent, spouse or registered domestic partner, or their child, or for baby/child bonding after the birth, adoption, or foster care placement of an employee's child.

If possible, the employee must provide at least 30 days' advance notice for foreseeable events (such as a planned medical treatment for the employee or the employee's family member, or the expected birth, adoption, or foster placement of a child). For events that are unforeseeable, the employee must notify the Town, at least verbally, as soon as he/she learns about the need for a leave. Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until the employee complies with this notice policy.

The Town will require a medical certification from the health care provider of the employee or the employee's immediate family member who has a serious health condition before approving a medical leave or leave to take care of that family member. When medically necessary, leave may be taken on an intermittent or reduced work schedule.

The Town shall require a birth certificate of the new-born child or adoption or foster care papers before approving a leave for bonding with a new child. If a leave is taken for the birth, adoption or foster care placement of a child, the employee must conclude the leave within one year of the birth or placement for adoption or foster care.

A. Accrual of Benefits

Employees on a family or medical leave will not accrue sick leave, vacation, or holiday benefits during the period of the unpaid absence. All Town benefits will continue to accrue during the period of integration with State Disability Insurance or Paid Family Leave benefits and accrued vacation/sick leave.

B. Health Insurance Coverage during Family or Medical Leave

The Town will continue to provide up to twelve (12) weeks of coverage under any health benefit plan during family medical leave at the same level as if the employee were actively working.

C. Use of Sick Leave and Other Paid Leave

The employee may use any accrued unused sick and/or any other accrued unused leave (if otherwise eligible to take the time) during a Family or Medical Leave.

D. Return to Work from a Medical Leave

Under most circumstances, upon submission of a medical certification that an employee is able to return to work from a family or medical leave, an employee will be reinstated to the same position held at the time the leave began or to an equivalent position, if available. An employee returning from a family or medical leave has no greater right to reinstatement than if the employee had been continuously employed.

2. Pregnancy Disability Leave (PDL)

Pregnancy, childbirth, or related medical conditions will be treated like any other disability, and an employee on leave will be eligible for temporary disability benefits in the same amount and degree as any other employee on leave.

Any employee planning to take PDL shall advise the Town as early as possible. The individual shall make an appointment with the Town to discuss the following conditions:

- A. Employees who need to take PDL must inform the Town when a leave is expected to begin and how long it will likely last. If the need for a leave or transfer is foreseeable, employees must provide notification at least thirty (30) days before the PDL or transfer is to begin. Employees must consult with the Town regarding the scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of the Town. Any such scheduling is subject to the approval of the employee's healthcare provider. If thirty (30) days' advance notice is not possible, notice must be given as soon as practical.
- B. Upon the request of an employee and recommendation of the employee's physician, the employee's work assignment may be changed if necessary to protect the health and safety of the employee.

- C. Requests for job transfers will be reviewed and will be reasonably accommodated. D. Temporary transfers due to health considerations will be granted when possible.
- E. PDL usually begins when ordered by the employee's physician. The employee must provide the Town with a certification from a health care provider. The certification indicating disability shall contain:
 - The date on which the employee became disabled due to pregnancy;
 - The probable duration of the period or periods of disability; and
 - A statement that, due to the disability, the employee is unable to perform one or more of the essential functions of her position without undue risk to herself.
- F. The Town will require certification by the employee's health care provider that the employee is fit to return to her job.
- G. An employee will be allowed to use accrued vacation and sick leave (if otherwise eligible to take the time) during a PDL.
- H. Duration of the leave will be determined by the advice of the employee's physician, but employees disabled by pregnancy may take up to four (4) months. Part-time employees are entitled to leave on a pro rata basis. The four (4) months of leave includes any period of time for actual disability caused by the employee's pregnancy, childbirth, or related medical condition.
- I. 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 one (1) hour.
- J. Employees on PDL are also eligible to maintain group health insurance coverage for up to a maximum of four (4) months of disability leave (if such insurance was provided before the leave was taken) on the same terms as if the employee had continued to work. In some instances, the Town may recover premiums it paid to maintain health coverage if the employee fails to return to work following pregnancy disability leave.
- K. Under most circumstances, upon submission of a medical certification that the employee is able to return to work from a PDL, the employee will be reinstated to the same position held at the time the leave began or to an equivalent position, if available. An employee returning from a PDL has no greater right to reinstatement than if the employee had been continuously employed.

3. Bereavement Leave

Regular employees shall be granted up to a maximum of five (5) working days bereavement leave to be used in case of death in an employee's immediate family. Immediate family shall include: spouse, son, daughter, father, mother, brother, sister, grandparent, grandchildren, step parent, stepchildren, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, domestic partner, or the corresponding relation by affinity, and any dependent residing in the employee's household at the time of death. The Town may require that the

employee provide proof of death and/or a signed affidavit from the employee regarding the relationship of the deceased.

Leave in the case of death of persons other than “immediate family” may be granted upon approval of the Town. If granted, such leave may be charged to the employee’s accrued sick and vacation leave or unpaid at the employee’s option.

4. Organ and Bone Marrow Donor Leave

Employees who are donors for organ or bone marrow may take paid time off as follows: Employees may take up to thirty (30) business days of leave in any one-year period for the purpose of donating an organ to another person. Employees may take up to five (5) workdays of leave in any one-year period for the purpose of donating bone marrow to another person. The one-year period is calculated from the date the employee’s leave begins.

During the leave for organ/bone marrow donors, the Town will continue to provide for any group health plan benefits the employee was enrolled in prior to the leave of absence.

Leave taken for the purpose of organ or bone marrow donation is not leave for the purpose of family or medical leave as described above.

Employees who wish to take a leave of absence to donate bone marrow or an organ will be required to provide written verification of the need for leave, including confirmation that the employee is an organ or bone marrow donor and that there is a medical necessity for the donation of the organ or bone marrow.

The Town requires that employees taking leave for organ donation use two (2) weeks of accrued but unused sick leave and/or vacation.

The Town requires that employees taking leave for bone marrow donation use five (5) days of accrued but unused sick leave and/or vacation.

Once a donor has exhausted the required paid sick and/or vacation leave, the employee will be paid for the remaining leave of absence, if additional leave is needed, up to the maximum allowed by law.

5. Jury and Witness Duty

Employees who are subpoenaed to appear as jurors or witnesses in work-related legal cases will be paid their full salaries, provided that they turn in to the Town all juror fees or witness fees, other than mileage or subsistence allowance, received.

The employee is required to report to work if, at the time he/she is released, more than two (2) hours remain to their workday. Upon return, the employee shall submit the stamped verification of jury duty receipt issued by the Court. The employee shall submit to his/her immediate supervisor a completed leave request form which indicates the day(s) required for attendance if known beforehand or submit the leave request form immediately after.

6. Voting Time

The Town wishes to support and encourage employees in their opportunities and responsibilities as citizens to cast their ballots in general election years. Under most circumstances, it is possible for employees to vote either before coming to work or after the end of the workday. If the employee does not have sufficient time outside of working hours to vote at a State-wide election, a maximum of two (2) hours' time off with pay at the beginning or end of the regular work day will be given. The employee must request this time off at least two (2) working days before the election if this time off is necessary.

7. Military Leave

An employee who is a member of the Reserve Corps of the Armed Forces of the United States or the National Guard will be allowed time off and compensated in accordance with current provisions of Federal and State laws and regulations. Employees may be entitled to reinstatement upon completion of military service, provided they return or apply for reinstatement within the time required by law.

8. Volunteer Civil Service Personnel

Employees will be allowed to take time off to perform emergency duty as a volunteer firefighter, peace officer, or emergency rescue personnel. They are also eligible to take unpaid leave for required training. If an employee is an official volunteer firefighter, he/she shall alert the City Manager or authorized designee that they might have to take time off for emergency duty. When taking time off for emergency duty, the supervisor shall be advised before doing so when possible. Time taken in such an emergency will be considered administrative time and approved by the City Manager or authorized designee.

9. School Visits

Each school year, employees who are parents or guardians of any child in kindergarten or grades 1-12, are allowed up to eight (8) hours unpaid time off work per month, with a maximum of forty (40) hours per school year, to participate in any child's school activities, per the following guidelines:

- A. The employee shall give reasonable notice for the planned time off.
- B. Although the time off is unpaid, employees may use vacation, personal, or compensatory time to cover the time taken for the school visit(s).
- C. The employee must provide, upon the Town's request, written verification from the school of parental participation specifying the date and time of the activity.
- D. Employees whose child has been suspended from school will be allowed time off to appear at the school in connection with that suspension after giving reasonable notice to the supervisor.

10. Victims of Domestic Violence or Sexual Assault

Employees who are a victim of domestic violence or sexual assault are allowed to take unpaid time off for certain purposes, including but not limited to, medical/psychological care, crisis counseling, safety planning or relocation, and obtaining a (temporary) restraining order. Employees may use accrued vacation time to take time off.

Employees who need to take time off must give the Town reasonable advance notice of their intention unless reasonable notice is not feasible. If the time off is an unscheduled absence, the employee shall be required to notify their supervisor as soon as possible of their absence and provide documentation to the Town within a reasonable time after the absence. Acceptable documentation includes a police report, court order, or other evidence from the court, or a note from a medical professional, domestic violence advocate, health care provider, or counselor.

Under no circumstance can an employee take more unpaid time off than allotted under the Medical and Pregnancy Disability Leave of Absence policy (see sections 2 and 3 above).

11. Victims of Crime

An employee who is a victim or who is the immediate family member of a victim of a violent or serious felony may take time off from work.

An immediate family member is defined as: a spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, or stepfather, registered domestic partner and their children.

The absence from work must be in order to attend judicial proceedings related to a crime listed above.

Before the employee is absent for such a reason, he/she must provide documentation of the scheduled proceeding. Such notice is typically given to the victim of the crime by a court or government Town setting the hearing, a district attorney or prosecuting attorney's office, or a victim/witness office.

If advance notice is not possible, the employee must provide appropriate documentation within a reasonable time after the absence.

Any absence from work to attend judicial proceedings will be unpaid, unless the employee chooses to take paid time off, such as accrued vacation or sick leave or any other accrued paid time off.

POLICY #307: ADMINISTRATIVE LEAVE

In recognition of the hours required to accomplish the requirements of each management position (defined as Department Heads and mid-management), including the attendance at numerous meetings outside normal working hours, each Management Employee shall be granted forty (40) hours of Administrative Leave per fiscal year. Management employees may accumulate a maximum of 60 hours of Administrative Leave. No cash out of Administrative Leave shall be allowed. Administrative leave does not apply to non-management, confidential employees.

POLICY #308: EDUCATIONAL ENHANCEMENT

The Town encourages and supports employees who desire to further their professional and personal development with education courses that enhance their skills in their present positions.

GUIDELINES

Applies to Unrepresented Employees only:

1. Eligibility –

The course must be job-related. The employee must obtain approval from the immediate supervisor and the City Manager or authorized designee prior to starting the class.

Class and study time must be outside the employee's regular working hours.

2. Reimbursement Amount

The Town shall establish an \$8,000 annual educational reimbursement fund. The Town will reimburse employees who successfully complete courses approved in advance by the City Manager or authorized designee that will be beneficial to the employee in the course and scope of his/her job, in an amount up to \$1,000 per employee per fiscal year until the fund is depleted. Operation of the tuition reimbursement program is subject to the City Council's funding of the program within any fiscal year budget.

Applies to APOA members only:

Employees who successfully complete courses, approved by the Chief of Police, in law enforcement or a degree program may receive up to \$1,000 reimbursement each year.

POLICY #309: DEPENDENT CARE ASSISTANCE PROGRAM (DCAP)

The Dependent Care Assistance Program (DCAP) is an Internal Revenue Service (IRS) approved tax savings program that assists employees with childcare or other eligible dependent care payments. It is especially helpful for families with incomes above \$25,000.00 and is designed to help pay expenses on a pre-tax, salary set-aside basis.

GUIDELINES

1. Under the DCAP, the employee requests that a portion of salary be set aside prior to taxes on the gross amount of salary. The tax-free salary dollars are then reimbursed to the employee for eligible dependent care expenses. There is no employer (Town) contribution to this program.
2. Reimbursable expenses must meet the conditions of IRS Code Sections 21 and 129, as follows:
 - A. The dependent care must be necessary to enable the employee or his/her spouse, if married, to be gainfully employed.
 - B. If single or married and filing jointly, the maximum amount an employee may be reimbursed is \$5,000 per calendar year. If married and filing separately, the maximum is \$2,500 per calendar year.
 - C. If the employee is divorced or separated and files a separate tax return, (1) an eligible dependent must live in the home for more than six (6) months of the year, (2) the employee must pay more than half the cost of maintaining the household, and (3) the employee's spouse cannot live in the home during the last six (6) months of the tax year.
 - D. If a day-care facility being used provides care for more than six (6) individuals who do not live within the facility, it must comply with all applicable State and local laws.
 - E. Payments for care provided by a person who qualifies as an exemption for the employee for tax purposes or to an employee's child under age 19 are not eligible expenses.
 - F. The employee has ninety (90) days after the end of the Plan Year to request reimbursement of expenses incurred. Any amount not used will be forfeited.
 - G. Reimbursement claims must include either the provider's Social Security Number or Employer Identification Number.

All Town employees are eligible to participate in the DCAP program. Eligible dependents include (1) any child under age 13 who is in the employee's custody and is claimed on the

employee's tax return and (2) any individual (child or parent) who is mentally or physically handicapped, living in the employee's home and meets the above IRS rules and regulations, and is claimed on the employee's tax return as a dependent.

POLICY #310: UNIFORM ALLOWANCES AND REIMBURSEMENTS

The Town requires that designated positions wear uniforms in the line of work. The Town will continue to provide special work clothing as needed, and to repair and replace such clothing as needed, with the approval of the Department Head.

The Town will reimburse employees for their own clothing that has been damaged on the job through no fault of the employee. The employee must first show the damaged clothing to the employee's supervisor so that the supervisor can determine whether the replacement is necessary and the amount to be expended on the reimbursement.

On presentation of appropriate receipts, the Town shall reimburse employees who are required by the Town to wear safety shoes/boots for up to a designated amount per year toward the cost of no more than one (1) pair of OSHA approved safety shoes/boots per year. Shoe repair is reimbursable under this provision. Shoes/boots purchased under this provision are for the exclusive use of the employee.

Members of the Atherton Police Officers' Association receive an annual uniform allowance in one payment after one (1) year of employment. The amount advanced is subject to all withholding taxes. The allowance will be prorated for those employees who leave prior to the completion of the full year. Employees are required to purchase and maintain uniforms in accordance with Departmental Rules and Regulations. The Town shall repair or replace uniforms damaged in the line of duty. The determination by the Town as to whether the item shall be replaced shall be based on what makes the uniform most presentable, not what is least expensive.

POLICY #311: AUTOMOBILE ALLOWANCES AND REIMBURSEMENTS

Town employees who use their private vehicles in the performance of Town duties (excluding normal home to work commuting) will receive mileage reimbursement for actual miles driven and reported at the current IRS rate. Employees must provide evidence of proof of insurance in order to be eligible for reimbursement.

The City Manager or City Council authorizes monthly vehicle allowance for select classifications to compensate persons employed in these classifications for having his or her private automobile available for use or for actually using his or her private automobile in the performance of the duties of his or her employment with the Town.

Employees provided with a Town vehicle for the purposes of commuting to and from work and/or for use while on duty shall not be eligible for mileage reimbursement when the employee chooses to use his/her own vehicle instead.

POLICY #312: MODIFIED (LIGHT) DUTY

It is the policy of the Town, as executed by all departments, to identify and assign modified duty, when feasible, to employees who are temporarily disabled from their regular job as a result of a work-related injury or illness. All such modified duty assignments are to be within the limitation recommended by the treating physician or practitioner and must be consistent with applicable laws, be a reasonable accommodation, and be approved by the City Manager or authorized designee prior to such assignments being made.

Modified duty assignments are limited to one 90-day consecutive period.

The purpose of this policy is to provide a Town-wide modified duty/return to work program for employees who have been injured while on duty or have a job related illness. These procedures apply to any situation where an employee is being treated for a work related injury or illness and is determined fit by a Town-approved physician or practitioner to return to work on a temporary basis with modified duties.

Exception: This program is not intended to include employees whose disability has been caused by an off duty injury or illness. Employees with a non-industrial injury or illness may contact the City Manager or authorized designee regarding reasonable accommodation.

DEFINITIONS

- A. **Work-related injury or illness:** a physical injury or illness deemed to have been caused in the course of performing the employee's occupation.
- B. **Modified Duty:** work restrictions (modifications of work duties or tasks) determined and recommended by a Town-approved physician or practitioner who has been rendering treatment to the employee, and who is qualified to render an opinion on the employee's physical abilities.

GUIDELINES

The Town will identify and assign modified duty, when feasible, to employees who are temporarily disabled from their regular job as a result of an on-the-job injury or illness. All such modified duty assignments are to be within the limitation as recommended by a Town- approved physician or practitioner.

- A. The Town-approved physician/practitioner shall describe the employee's physical/medical limitations in sufficient detail to enable the Town to identify a suitable work assignment or to modify the tasks of the regular assignment which may be eliminated or adjusted.
- B. The department in which the employee works shall attempt to identify a work assignment or modify the work duties of the regular assignment within the limitations recommended by the physician or practitioner.

- C. If the department is unable to assign suitable modified duty work, the City Manager or authorized designee should be contacted immediately in order to consider other alternatives including, but not limited to, assignments in other departments. Town administration will attempt to coordinate, where feasible, a temporary reassignment of the employee on an inter-department basis.
- D. The employee will be:
 - 1. Responsible for reporting to his/her immediate supervisor following each medical appointment; providing the supervisor with the appropriate medical status slip from the authorized treating physician/practitioner.
 - 2. Required to complete Town form "Authorization for Release of Medical Information" and provide the form to the immediate supervisor within five (5) calendar days of the work related injury or illness.
 - 3. Required to submit a physician's statement describing the employee's physical limitation in sufficient detail to enable the Town to identify a suitable work assignment or to modify the tasks of the regular assignment. The employee shall cooperate to the fullest extent possible by performing the tasks and duties within the modified assignment to the best of his/her ability.
 - 4. Required to immediately report to the supervisor any changes in his or her ability to perform the modified assignment.
- E. The employee's supervisor will be responsible for monitoring the employee's performance during the period of modified duty. Performance appraisals will be conducted at the appropriate intervals.
- F. Employees shall be entitled to earn their usual base pay while on modified duty. It is the Town's policy that no overtime will be authorized unless the City Manager or authorized designee expressly gives the employee permission. All overtime assignments must be approved in advance by the City Manager or authorized designee, and must be in accordance with the work restrictions set forth by the treating physician/practitioner.
- G. Upon release to regular work without restrictions, the employee shall be returned to his/her regular work assignment.

SECTION IV: RULES AND REGULATIONS

POLICY #401: EMPLOYMENT OF RELATIVES

The Town has a strict policy regarding the hiring of and other employment actions regarding employees' relatives. The purpose of the policy is to avoid any real or perceived conflicts of interest.

GUIDELINES

Members of the immediate family of elected or appointed City Council members will not be appointed to Town employment.

Members of the immediate family of regular employees will not be appointed to the same division, nor will they be transferred, promoted, or demoted into the same division, nor be placed in such a position as to evaluate a relative or be in the same line of supervision, if doing so could result in actual or potential problems in supervision, security, safety, or morale, or if doing so could create potential conflicts of interest. Each situation will be addressed based on the individual circumstances of that situation.

Members of the immediate family of regular employees will not be hired on a temporary basis.

If two employees become involved in a romantic relationship, marry, or become otherwise related, causing actual or potential problems such as those described above, only one of the employees will be retained with the Town, unless reasonable accommodations can be made to eliminate the actual or potential problems. The employees will have thirty (30) days to decide which relative will stay with the Town. If this decision is not made within the time allowed, the City Manager or authorized designee will make the decision, taking the employment history and job performance of both employees into account.

The Town defines "relatives" as spouses, children, siblings, parents, in-laws, grandparents, grandchildren, step-relatives, and registered domestic partners and their children. For purposes of this policy, individuals in a romantic relationship will be treated like relatives.

POLICY #402: Employee Dating Policy

Consensual romantic relationships between employees are discouraged. Such relationships can lead to problems with morale, decreased productivity, and increased liability. The Town has a strong policy against sexual harassment and is concerned that consensual romantic relationships might potentially violate the policy. The Town wants to prevent sexual harassment from occurring in the workplace under any circumstance.

GUIDELINES

Individuals in supervisory or other influential roles are prohibited from participating in romantic relationships with subordinate employees of any department due to the importance of the appearance of fairness, their access to sensitive information, and their ability to influence others.

To help prevent sexual harassment, employees who enter into consensual romantic relationships must:

- Notify the City Manager or authorized designee;
- Review the sexual harassment policy and sign an acknowledgment that they have done so; and
- Sign a consensual relationship agreement, stating that (a) the relationship is voluntary, (b) the employees will abide by the sexual harassment policy, (c) the employees will behave professionally at work, (d) the relationship will not affect work, and (e) they will not engage in offensive workplace behavior.

In addition to the above, the Employment of Relatives Policy (#401) will also apply.

POLICY #403: OUTSIDE EMPLOYMENT

The Town considers itself the primary employer. While employed by the Town, employees are expected to devote their energies to their jobs with the Town. Employees are expected to adhere to high ethical standards and avoid situations that create an actual or potential conflict between the employee's personal interests and the interests of the Town.

GUIDELINES

A conflict of interest exists when the employee's loyalties or actions are divided between the Town's interests and those of another, such as a competitor or supplier. Both the fact and the appearance of a conflict of interest shall be avoided. Regular full-time employees shall not hold an outside salaried or fee based job without approval of the City Manager. The City Manager, or his or her designee, may provide written approval of the outside employment, either upon hire with the Town or when an employee requests additional employment so long as the outside job will not interfere with the employee's providing satisfactory performance of his/her job responsibilities for the Town. Outside employment will present a conflict of interest and be prohibited if it has an actual or potential adverse impact on the Town. Employment that directly conflicts with the Town's essential business interests and disrupts business operations is strictly prohibited;

Employees who wish to engage in additional employment that may create a real conflict of interest must submit a written request to the City Manager or authorized designee explaining the details of the additional employment. If the additional employment is authorized, the Town assumes no responsibility for it. The Town shall not provide workers' compensation coverage or any other benefit for injuries occurring from or arising out of additional employment. Authorization to engage in additional employment can be revoked at any time.

Police employees must complete an outside employment statement every January and once approved, the statement is maintained in the employee's personnel file.

Because of the nature of work required by a Police Officer the Chief of Police will review all outside employment applications. Lexipol Policy # 1040 addresses the types of outside employment that are prohibited by Police Department personnel.

POLICY #404: SUBSTANCE ABUSE

Due to the higher level of standards required for Police Department personnel further guidelines are set forth in the Police Department's Lexipol Manual Policy #1012. In the event conflict exists between the two policies, Lexipol will prevail in governance of Police Department personnel.

The Town is committed to protecting the health, well-being, and safety of employees and the public from the hazards caused by misuse of drugs and alcohol. Accomplishing this goal requires the full commitment and support of all levels of management as well as the support of all employees.

The Town complies with Federal regulations and maintains a Drug-Free Workplace. This policy prohibits unlawful manufacturing, distribution, possession, sale, or use of controlled substances at work and also requires that employees convicted under a criminal drug statute for any incident at work to notify the City Manager or authorized designee within five (5) days of conviction.

For the purposes of this policy, a drug will be considered an "illegal drug" if its use is prohibited or restricted by law and an employee improperly uses or possesses the drug, regardless of whether such conduct constitutes an illegal act or whether the employee is criminally prosecuted and/or convicted for such conduct.

Legally prescribed medications are only excluded from this rule and permitted to the extent that the use of such medications does not adversely affect the employee's work ability, job performance, or the safety of that individual or others.

GUIDELINES

The following policy on substance abuse is adopted as an initial step toward reaching this goal:

1. Employees shall not possess, use, furnish, sell, or offer alcohol, illegal drugs, or other controlled substances (as defined under Federal and California Law) while on the job or on Town premises. An employee who has distributed, sold, or offered illegal drugs or controlled substances while on the job or on Town premises will face termination of employment. Possession or use of illegal drugs or controlled substances and the use of alcohol by an employee while on the job or on Town premises will be cause for disciplinary action, up to and including termination of employment.
2. Employees who see, observe, or encounter evidence that employees possess, use, or are involved in distribution, selling, or offering illegal drugs while on the job or on Town premises shall report this information to the employee's supervisor and/or the City Manager or authorized designee. Any questionable substance found will be submitted to the appropriate law enforcement agency for testing and employees distributing, selling, using, or possessing such illegal substances shall be subject to criminal investigation.
3. Employees are required to perform their duties in a safe and efficient manner, and supervisors have a responsibility to ensure that this is done. If a supervisor becomes

aware that an employee is working in an unsafe manner, the supervisor is responsible for taking those actions necessary to ensure that safe work conditions are maintained.

4. Employees who are using prescription drugs or other medication that may affect their ability to work safely are responsible for bringing the matter to their supervisor's attention. Supervisors shall be alerted to the effects of medication or illness on an employee's capabilities to perform work safely and efficiently.
5. Employees and supervisors are encouraged to seek assistance before drug or alcohol abuse affects job performance. If an employee comes forward prior to a violation of the Town's policy is discovered and requests time off without pay to address that problem, the Town may provide assistance in identifying appropriate treatment programs and will make reasonable accommodation to assist the employee. Participation in a program is at employee expense, although some health plans may partially cover some expenses.
6. An employee's participation in an assistance program does not relieve the employee of responsibility to meet work performance requirements.
7. An employee reporting to work under the influence of alcohol or other substances will be sent home for the day without pay and will be further subject to discipline.
8. Prescribed drugs will be allowed only when taken according to a physician's prescription when such use will not adversely affect the employee's ability to properly and safely perform his/her duties.
9. Employees are expected to fully cooperate in any interview or investigation of possible violation of this substance abuse policy. The Town reserves the right to require employees, while on duty or on Town owned or leased properties, including the parking lot and in Town vehicles, to agree to inspections of Town property or employees and/or their personal property and to implement other measures necessary to deter and detect abuse of this policy. An employee's refusal to consent to such an inspection or to otherwise cooperate in a proper investigation conducted under this policy is grounds for discipline, up to and including termination of employment.

Inspections to Administer and Enforce Policy

To promote a safe, productive, and efficient work place, the Town reserves the right to inspect, under reasonable suspicion, employees, as well as, any articles and property in their possession, to detect inappropriate materials while the employee is in their place of work or in a Town vehicle. The Town also reserves the right to inspect lockers, desks, Town vehicles, personal vehicles on Town property, packages, lunch boxes, containers, articles in such areas, and other objects brought onto Town premises that might conceal alcohol, illegal drugs, and/or other inappropriate materials.

An employee may be asked to submit to testing procedures designed to detect the presence of drugs and/or alcohol if he/she is acting in a manner that leads to a reasonable suspicion that he/she either possesses, controls, or is under the influence of a drug and/or alcohol or has been

involved in the use, possession, and/or sale of drugs or alcohol in Town controlled areas, on Town owned property or while on duty.

POLICY #405: SMOKING

Smoking is prohibited within any Town building, on Town premises, including within 20 feet of any entrance and exit doors, or in Town vehicles unless authorized in writing by the City Manager or authorized designee.

POLICY #406: GRATUITIES

An employee's obligation under this policy is in addition to and does not in any way change his/her obligation under the Town's Business Ethics Policy (Policy #108).

No employee shall accept or receive any benefit from any gift, gratuity, or service of any kind from any one source, which may be directly or indirectly offered as a result, or in anticipation, of an employee's position or performance of duties with the city, in excess of an annual cumulative value which would constitute a conflict of interest requiring disqualification pursuant to the Political Reform Act. An employee who receives any gift, gratuity, or service of any kind of a value in excess of 50 percent of the amount which must be reported as a gift pursuant to the Political Reform Act shall, within three days of receipt, report in writing to the employee's department head the donor, gift, value and the date the gift was received.

For the purpose of this policy, a gratuity is defined as a gift or service rendered to an employee for which no payment is made. Gifts include, but are not limited to money, candy, meals, alcoholic beverages, tickets to events, trips, or the use of equipment or property.

If an expression of appreciation is received, it shall be shared with staff or donated to an appropriate charitable non-profit.

Designated employees are required to comply with the Political Reform Act of 1974 and file Form 700-FPPC, which is a public document intended to disclose potential conflicts of interest.

Minor unsolicited gifts that may be accepted by employees are:

- Unsolicited promotional materials or advertising of nominal value such as calendars, notepads, coffee mugs, or pens;
- Food or refreshments of modest value offered as part of a reception, banquet, or social event, provided on an infrequent basis in the ordinary course of business; if the refreshments, meal, reception, or banquet occurs in an open setting, and the food or refreshment is also offered to other participants and/or attendees;
- Gifts of minimal value that are given without any expectations of special service or favorable decision-making;
- An occasional lunch or dinner provided as part of a meeting where Town business is discussed, and the cost of the employee's share of the meal is less than \$10;
- Gifts of informational material provided to assist the employee in the performance of his or her official duties (e.g., books, pamphlets, reports, calendars, periodicals, or educational seminars); or
- Gifts of similar value exchanged between the employee and an individual, other than a lobbyist, on holidays, birthdays, or similar occasions.

POLICY #407: SECURITY AND PRIVACY

Desks, storage areas, work areas, lockers, file cabinets, credenzas, furniture, computer systems, software, communication systems including email, office telephones, modems, facsimile machines, and duplicating machines are Town property. Because all these items are Town property, employees do not have, and shall not expect, any right of privacy regarding this property or the contents of the property.

POLICY #408: COMPUTER AND E-MAIL

Due to the higher level of standards required for Police Department personnel further guidelines are set forth in the Police Department's Lexipol Manual Policy #1058. In the event a conflict exists between the two policies, Lexipol will prevail for governance of Police Department personnel.

The Town's computer systems, including any voicemail or email systems, are to be used for official Town purposes only. The City Manager or authorized designee reserves the right to listen to voicemail messages and to access, copy and retain email messages to ensure compliance with this rule, with or without notice to the employee and/or in the employee's absence.

1. Use of Town Equipment

Employees are permitted to use Town equipment for occasional, non-Town purposes during rest and meal periods. Nevertheless, the employee has no right of privacy as to any information or file maintained in or on Town property or transmitted or stored through the Town computer systems, voicemail, email, cell phones, iPhones, other smart phones or PDAs, or other technical resources.

2. Review of Computerized Information

For business necessity and/or for reasonable cause, the City Manager or authorized designee may inspect, investigate or search employees' computerized files or transmissions, voicemail, or email. The Town may override any applicable passwords or codes in accordance with the best interests of the Town and its employees.

3. Computer Privacy

Employees shall access only files or programs, whether computerized or not, that they have permission to enter. Unauthorized review, duplication, dissemination, removal, damage, or alteration of files, passwords, computer systems, or programs, or other property of the Town, or improper use of information obtained by unauthorized means, shall be cause for disciplinary action, up to and including termination of employment.

4. Software and Hardware Inventory Procedures

The Town has established a procedure that establishes an inventory for all computer hardware equipment and software applications on-hand.

5. Software Licensing

The Town's policy is to purchase appropriate software licenses for each computer program required for employees to perform their job functions in a timely and efficient manner. It is the Town's policy to respect all computer software copyrights and adhere to the terms of all software licenses. Software shall only be installed on hardware explicitly allowed under the terms and

conditions of that particular software's license. Normally, the software is copyrighted by the software developer and unless explicitly allowed by an existing license, the Town or its employees have no right to make copies of the software except for backup or archival purposes.

6. Use of Electronic Media

Electronic communication/media shall not be used in any manner that would be discriminatory, harassing, or obscene, or for any other purpose that is illegal, against Town policy or not in the best interest of the Town and its employees.

Employees who misuse electronic communications and engage in defamation, copyright, or trademark infringement, misappropriation of trade secrets, discrimination, harassment, commercial/political/religious solicitations, office gossip, or related actions will be subject to disciplinary action, up to and including termination of employment.

While employees may occasionally use electronic mail for personal messages, such messages are also property of the Town and will be treated no differently from any other messages. The Town reserves the right to access and disclose all messages sent over its electronic mail system.

Conducting Town business from an employee's personal email is prohibited.

7. Internet use

Access to the Internet is provided for official Town business reasons. Incidental and occasional personal use of the Internet is permitted by the Town and shall be used with discretion. No use of Internet resources shall include accessing areas, including but not limited to websites, which are pornographic, offensive or insulting in nature. This includes areas that contain sexually explicit material, ethnic or racial slurs, or any material that can be construed to be harassment or disparagement of others based on their sex, race, sexual orientation, age, national origin, or religious or political beliefs.

Employees shall not download or access any material that violates another person or organization's copyrights. This includes, but is not limited to, software, images, and audio recordings (MP3, etc.). If the copyright or license status is unknown or in question, the employee is to presume that access would be a violation of this policy.

8. Computer Passwords

Personal passwords may be used for purposes of security, but the use of a personal password does not affect the Town's ownership of the electronic information.

9. Remote Access

Remote Access to the Town's network is a privilege granted only to appropriate users at the discretion of the City Manager or authorized designee, and may be revoked at any time. It is the responsibility of the Remote Access user to ensure that unauthorized use does not occur at any time.

When using the Town's Remote Access technology, the authorized user must acknowledge that their remote machines are a de facto extension of the Town's network and subject to the same rules, regulations, and procedures that apply to Town owned equipment.

10. Social Media

Social media is a set of Internet tools that aid in the facilitation of interaction between people on the Internet. Use of Internet based programs such as Facebook, Linked In, My Space, or Twitter (this is not meant to be an exhaustive list – if employees have specific questions about which programs the Town deems to be social media, they can consult with their supervisor or the City Manager or authorized designee) for any other use than official Town business is a violation of Town policy and use of these programs either on Town owned property or on employees' personal property during work hours on the work premises can result in disciplinary action, up to and including termination of employment.

POLICY #409: SAFETY AND WORKPLACE VIOLENCE

The Town has developed this policy to help maintain a safe workplace. This safety policy is intended to keep the Town's employees safe and to protect its possessions, confidential information, and equipment.

GUIDELINES

1. Employees must be aware of persons loitering for no apparent reason in parking areas, walkways, entrances, and exits. Employees must report any suspicious persons or activities to the City Manager or authorized designee.
2. Threatening or intimidating behavior, threats, or acts of violence will not be tolerated and shall be grounds for immediate termination of employment, arrest and prosecution, or a civil harassment action. Any individual who engages in threatening behavior or violent acts (or who makes comments about inflicting self-harm or harming others) while on Town property will be removed from the premises and shall not return until the incident is fully investigated. The Town reserves the right to have any such incident assessed by a professional who specializes in threat assessment.
3. Threats to or intimidation of employees in the workplace by individuals outside the Town are also not tolerated and must be reported to the City Manager or authorized designee. This shall include acts of domestic violence and threats of harm from customers or vendors toward employees or Town property.
4. If an employee witnesses or receives a threat, or learns that another person has witnessed or received a threat, he/she must notify their supervisor or the City Manager or authorized designee immediately. Reports must be made of all incidents no matter who was involved or their relationship to each other. If an employee applies for or obtains a protective or restraining order that lists Town locations as protected, he/she must provide a copy to the City Manager or authorized designee. The Town understands the sensitivity of such information and uses confidentiality procedures that recognize and respect employees' privacy.
5. Employees must secure their desk, office, or vehicle at the end of the day. When called away from the work area for an extended length of time, employees shall not leave valuable and/or personal articles in or around the workstation/vehicle that may be accessible. The Town is not responsible for loss or damage to any personal property or equipment that is brought to an office location or Town function.
6. The safety of the office as well as the welfare of employees depends upon the alertness and sensitivity of every individual to potential safety risks. Employees shall immediately notify management when unknown persons are acting in a suspicious manner in or around the office.

POLICY #410: VISITORS AND SOLICITATIONS

Because of the need for a higher level of security in the Police Department all employees of the Town needs to be aware of Lexipol Policy # 407.

To prevent inconvenience and disruption in operations and to ensure efficient operation of Town business, it is necessary to control visitations and solicitations on Town property.

GUIDELINES

1. Visitors

All visitors must be met at the reception desk by the employee and escorted to and from the employee's worksite.

Additional security and safety measures apply when visiting the Police Department.

2. Employee Solicitation

It is against Town policy to use Town stationery, supplies, or equipment (including bulletin boards, photocopy machines, fax machines, interoffice mail, etc.) for solicitation or distribution of other business or charitable items or offers.

3. Non-Employee Solicitation

Solicitation or distribution of literature by non-employees of the Town is prohibited. Access to working areas is limited to employees, on-site consultants, and authorized personnel.

Individuals from organizations representing outside interests shall not conduct their business on Town premises unless authorized by the City Manager or authorized designee. This includes service organizations, community and education groups, product and sales organizations, and any other club, group, or organization.

A supervisor shall politely but firmly ask the visitors to leave and immediately notify the City Manager or authorized designee to report solicitors in the building.

4. Door Codes

Each employee shall be issued a unique numerical code that allows them entry into the Atherton Town Hall, Public Works & Building and Police Building. Each time an employee uses their unique numerical code to enter the the building, the date and time of the entrance is recorded and stored in a retrievable database. Therefore, employees are prohibited from using one another's unique numerical code to gain entry into the Atherton Police Building.

POLICY #411: WORKPLACE ATTIRE

An employee's personal appearance reflects the Town's image to the public, applicants, consultants, visitors, and other employees. All employees are representatives of the Town and therefore impact the Town's image as a professional organization. Personal appearance includes grooming, cleanliness, and appropriate attire. Employees are expected to dress in professional office clothing and maintain a businesslike and well-groomed appearance.

POLICY #412: MEDIA CONTACT

Employees may be approached for interviews or comments by the news media. Only contact people designated by the City Manager, Police Chief, or authorized designee shall comment to news reporters or other media on programs, projects, policies, or events that have an impact on the Town. Otherwise, all media contacts and requests for information or interviews must be referred to the City Manager, Police Chief, or authorized designee.

POLICY #413: DRIVING POLICY

Further guidelines are set forth in the Police Department's Lexipol Manual Policy #706 for Police Department personnel.

When driving on Town business, the employee shall always obey the rules of the road and be courteous to other drivers and pedestrians. As further safety precautions, the employee shall not drive on Town business while under the influence of alcohol or drugs. For insurance purposes, the employee shall notify the City Manager or authorized immediately if he/she has received a D.U.I. conviction.

GUIDELINES

1. Reimbursement When Using Own Vehicle for Town Business

Employees required to drive their own vehicle on the Town business shall be reimbursed for actual miles at the annually established rate by the Internal Revenue Service unless they have been offered and decline use of a Town vehicle.

Employees driving their own vehicle shall provide the Town with a copy of their insurance.

2. Use of Town Vehicles

- A. A Town vehicle is to be used for Town business only.
- B. The use of seat belts by all occupants is mandatory.
- C. The Town vehicle is to be driven only by licensed Town staff while performing Town business.
- D. The Town vehicle shall be kept at the appropriate office location. The only exception shall be when an employee has authorization to use the vehicle for an overnight business trip and/or late night or early morning meetings that would cause a significant inconvenience to return the car.

3. Injury/Accident When Driving on Town Business

If the employee is injured in an automobile accident while driving on Town business, the employee must inform his/her supervisor immediately. Employees are required to maintain their own car insurance and a valid California Driver's License if they drive their own personal vehicle. Evidence of this documentation must be provided to the Town at least once a year.

4. Vehicle Accident

An employee or contract employee involved in an accident, however slight, while driving a vehicle on Town business, must inform his/her supervisor immediately and complete a written report as soon as possible after the incident.

It is the responsibility of the employee's supervisor to ensure that this report is complete and submitted to the insurance carrier.

5. Use of Cell Phones and Text-Based Communication While Driving

In the interest of the safety of employees and other drivers, Town employees are prohibited from using cell phones and/or writing, sending, or reading text-based communication, including text messaging, instant messaging, and email, on a wireless device or cell phone while driving on Town business and/or Town time.

If the employee's job requires that he/she keep a cell phone or other wireless device turned on while driving, the employee must use a hands-free device or safely pull off the road before conducting Town business. Under no circumstances shall employees place phone calls or conduct text-based communication while operating a motor vehicle while driving on Town business and/or Town time, unless they use a hands-free device. Violating this policy is a violation of the law and of Town policy.

POLICY #414: PULL NOTICE PROGRAM

The Town is required to obtain reports of employee's public driving record from the Department of Motor Vehicle (DMV) if they operate and drive certain vehicles such as:

- Operate a vehicle or equipment requiring a Class A or B driver's license;
- Operate a vehicle or equipment requiring a special certificate/endorsement; or
- Are identified by the Department Head as appropriate for participation in the Pull Notice System based on job requirement to drive while on official Town business.

Under California Vehicle Code, there are criminal penalties for employing or continuing to employ a person who has had a disqualifying action taken against his or her license or certificate. Individuals considered by the Town to have a poor driving record, or considered "negligent" by the DMV, cannot be employed as drivers or operate Town vehicles.

The Department Head will identify all employees and prospective employees who participate or will participate in the Pull Notice System. Employees are responsible for maintaining driver's licenses, vehicle insurance, and special certificates required for the performance of job duties. Employees are also responsible for promptly notifying the Department Head of expiration, conviction, or other DMV actions against their driver's license or certificate.

POLICY #415: EXPENSE REIMBURSEMENT

The Town has established the following procedure regarding reimbursement for travel and other Town related business expenses.

GUIDELINES

1. City Manager Approval

Expenses shall be consistent with the approved Town budget. Employees shall obtain City Manager or authorized designee approval prior to incurring any Town reimbursable expenses, where expenses may exceed budgeted allowances.

2. Appropriateness of Reimbursements

The decision of the City Manager or authorized designee shall be final in cases where conflict of opinion about the appropriateness of reimbursement exists. The following guidelines shall govern such approval:

- A. While attending approved functions, the burden of responsibility for sound judgment in spending Town funds rests on the attending employee. Under no circumstance is an employee permitted to submit reimbursements for alcohol, tobacco, or for any expenses associated with spouses or guests.
- B. A fixed reimbursement amount is set in advance by the City Manager or authorized designee to cover all meals not otherwise included in the registration fee.
- C. Police personnel: reimbursement fees for travel and meals are governed by the Commission on Peace Officer Standards and Training (P.O.S.T.).
- D. The employee shall fill out an employee travel and expense report and submit receipts with itemizations and explanations in order to receive reimbursement.
- E. Reimbursement requests with receipts shall be submitted to the supervisor for approval on the expense reimbursement form. Approved reimbursement requests shall be forwarded to the Department Head and City Manager or authorized designee for payment.

3. Vehicle Use/Reimbursement

Prior approval of the City Manager or authorized designee must be obtained for use of any Town vehicles. Employees approved to use their personal vehicles shall receive mileage reimbursement at the rate currently established by the Internal Revenue Service. Whenever possible, employees shall carpool when traveling on Town business.

POLICY #416: WEATHER/NATURAL DISASTER CONDITIONS

Conditions that excuse absence from work include heavy rain, severe flooding, natural disasters such as earthquakes, etc., that prevent an employee from safely traveling to work. Employees must notify their supervisor and may be paid for up to two (2) days per year when such weather conditions exist. Absences in excess of two (2) days per year will be unpaid or vacation, compensatory, or administrative leave time must be used.

All employees of the Town of Atherton are designated by both State law to be “Disaster Service Workers.” In the event of a declared emergency or any undeclared emergency or natural disaster that threatens the life, health and/or safety of the public, employees may be assigned to assist rescue and relief workers. Such assignments may be in locations, during hours and performing work significantly different from the employees’ normal work assignments and may continue through the recovery phase of the emergency.

***HUMAN RESOURCES POLICY
TOWN OF ATHERTON***

ACKNOWLEDGMENT OF RECEIPT OF PERSONNEL POLICY HANDBOOK

I have received a copy of the Town of Atherton's Human Resources Policies and Procedures Manual. I understand that it contains important information on Town policies and procedures, as well as, my rights and responsibilities as an employee. I understand and agree that it is my responsibility to familiarize myself with the policies and procedures in the Manual and abide by these policies and procedures.

I have read and understand the Manual. I understand that I am governed by its contents. I understand that the Town retains its discretion to make all decisions concerning my employment (including, e.g., decisions regarding promotions, demotions, transfers, job responsibilities, increases or reductions in pay, bonuses or other compensation, or any other managerial decision). No director, supervisor, or representative of the Town has the authority to enter into any agreement, expressed or implied, for employment for any specific period of time, or make any agreement for employment.

I understand and agree that nothing in the Human Resources Policies and Procedures Manual creates or is intended to create a promise or representation of continued employment.

I have read and understand the Town's Unlawful Harassment Policy.

I further understand that, except for employment at-will status, the Town can change, delete, or add to any policies, benefits, or practices described in the Manual in its sole and absolute discretion with or without prior notice and in accordance with the City Council.

Signature

Date

Print Name

